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COMMISSION ON HUMAN RIGHTS

REPORT ON THE FIFTIETH SESSION

(31 January - 11 March 1994)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1994

SUPPLEMENT No. 4

UNITED NATIONS

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

An asterisk after the name of a State indicates a State not member of the Commission, which may submit proposals in accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Annexes I to IV to the present report have been issued separately as *Official Records of the Economic and Social Council, 1994, Supplement No. 4A* (E/1994/24/Add.1–E/CN.4/1994/132/Add.1)

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I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

A. Draft resolutions

I. Promoting the realization of the right to adequate housing

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1994/14 of 25 February 1994 and decision 1993/103 of 4 March 1993, as well as resolutions 1993/36 of 25 August 1993 and 1992/26 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Welcoming the working paper (E/CN.4/Sub.2/1992/15) and the progress report on the right to adequate housing (E/CN.4/Sub.2/1993/15) submitted by the Special Rapporteur of the Sub-Commission, Mr. Rajindar Sachar,

1. Decides to extend the mandate of the Special Rapporteur by one year to bring the length of his mandate into accordance with the practices of the Sub-Commission and to enable him to explore fully the issues arising from the right to adequate housing;

2. Requests the Special Rapporteur to submit a second progress report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-sixth session;

3. Requests the Secretary-General to invite Governments, United Nations bodies, the specialized agencies, intergovernmental and non-governmental organizations and community-based organizations to provide the Special Rapporteur with information relevant to the preparation of his study;

4. Urges the Secretary-General to provide the Special Rapporteur with all the financial, technical and expert assistance that he may require to prepare his study and to compile and analyse the information, data, views and documents collected, including, as appropriate, assistance from consultants with expertise in the subject.

[See chap. II, sect. A. resolution 1994/14, and chap. VII.]

II. Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1994/90 of 9 March 1994,

1. Authorizes the establishment of an open-ended inter-sessional working group responsible for elaborating, as a matter of priority and in close cooperation with the Special Rapporteur on the sale of children, child prostitution and child pornography and the Committee on the Rights of the Child, guidelines for a possible draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication, which will meet for two weeks before the fifty-first session of the Commission on Human Rights;

2. Requests the Secretary-General to provide the working group with all the services it requires to be able to meet and fulfil its tasks.

[See chap. II, sect. A, resolution 1994/90,
and chap. XXII.]

III. Question of an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1994/91 of 9 March 1994,

1. Authorizes an open-ended inter-sessional working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-first session of the Commission in order to elaborate, as a matter of priority, a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts;

2. Requests the Secretary-General to extend to the working group all the services it requires to be able to meet prior to the fifty-first session of the Commission on Human Rights, and to transmit the report of the working Group to Governments, the expert appointed to undertake a comprehensive study on the situation of children in armed conflicts, the Special Rapporteur on the sale of children, child prostitution and child pornography, and the intergovernmental and non-governmental organizations concerned.

[See chap. II, sect. A, resolution 1994/91,
and chap. XXII.]

IV. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1994/96 of 10 March 1994,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-first session of the Commission in order to continue work on the elaboration of a draft

declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. Requests the Secretary-General to extend all necessary facilities to the working group for its meetings.

[See chap. II, sect. A, resolution 1994/96, and chap XXI.]

B. Draft decisions

1. Monitoring and assisting the transition to democracy in South Africa

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/8 of 18 February 1994, approves the request of the Commission to the Special Rapporteur to undertake two missions to South Africa in 1994 to gain further insight into the whole process of transition to democracy in South Africa, and to report to the Commission at its fifty-first session, and also approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all the necessary assistance to enable her to carry out this mandate.

[See chap. II, sect. A, resolution 1994/8, and chap. VI.]

2. Human rights and extreme poverty

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/12 of 25 February 1994, endorses the Commission's approval of the recommendations of the Special Rapporteur relating to the organization of a seminar on extreme poverty and denial of human rights, which will be held around 17 October 1994, and also approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance for the fulfilment of his mandate, particularly his consultations with United Nations bodies, Governments, specialized agencies, intergovernmental and non-governmental organizations, including as appropriate, assistance from those with experience of the subject.

[See chap. II, sect. A, resolution 1994/12, and chap. VII.]

3. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/20 of 1 March 1994, approves the Commission's recommendation that, as a follow-up to the seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights, held at Geneva in January 1993, the Centre for Human Rights convene expert seminars for the chairpersons of the human rights treaty monitoring bodies and representatives of specialized agencies and non-governmental organizations, as well as representatives of States, focusing on specific economic, social and cultural rights, with a view to clarifying the particular content of these rights.

[See chap. II, sect. A, resolution 1994/20, and chap. VII.]

4. The right to development

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/21 of 1 March 1994, approves:

(a) The Commission's request to the Secretary-General to convene a joint consultative meeting of the members of the Working Group and the Chairpersons of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, other relevant treaty bodies and the Sub-Commission on Prevention of Discrimination and Protection of Minorities so as to enable them to discuss and enrich their experience in matters of evaluation, criteria of performance and monitoring;

(b) The Commission's decision that the Executive Secretaries of the regional economic commissions and the heads of the international financial institutions should be invited to participate actively in the future sessions of the Working Group so that they can contribute substantially to its work;

(c) The Commission's decision that the Working Group will hold two sessions, each for a two-week period, in May and October 1994 to continue to carry out the mandate of the Group.

[See chap. II, sect. A, resolution 1994/21, and chap. VIII.]

5. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/23 of 4 March 1994, approves the Commission's invitation to the Chairman of the Commission to inform the Sub-Commission on the debate on this item, and also approves the Commission's request to the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents are available in all languages in good time before the session.

[See chap. II, sect. A, resolution 1994/23, and chap. XVII.]

6. International Decade of the World's Indigenous People

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/26 of 4 March 1994,

(a) Approves the Commission's request to the Assistant Secretary-General for Human Rights, as the Coordinator of the International Decade of the World's Indigenous People, to coordinate the international programme of activities for the Decade in full collaboration and consultation with Governments, competent bodies, regional organizations, the International Labour Organisation and other specialized agencies of the United Nations, and indigenous and non-governmental organizations;

(b) Also approves the Commission's request to the Assistant Secretary-General for Human Rights, bearing in mind the contribution that indigenous people can make, to establish a unit within the Centre for Human Rights to support its activities related to indigenous people and in particular to plan, coordinate and implement activities for the Decade;

(c) Endorses the Commission's request to the Secretary-General to establish a voluntary fund for the Decade, and approves the Commission's decision to authorize him to seek, accept and administer voluntary contributions from Governments, intergovernmental and non-governmental organizations and other private institutions and individuals for the purpose of funding projects and programmes during the Decade;

(d) Approves the Commission's request to the Secretary-General to give all the assistance necessary to ensure the success of the Decade.

[See chap. II, sect. A, resolution 1994/26,
and chap. XVII.]

7. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/29 of 4 March 1994, authorizes the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to meet for five working days prior to the forty-sixth session of the Sub-Commission, and approves:

(a) The Commission's request to the Secretary-General to give all the necessary resources and assistance to the Working Group in discharging its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies and non-governmental and indigenous organizations, in order to encourage the widest possible participation in its work;

(b) The Commission's authorization of the Chairperson-Rapporteur of the Working Group on Indigenous Populations to represent the Working Group at the International Conference on Population and Development to take place at Cairo from 5 to 13 September 1994;

(c) The Commission's endorsement of the proposal, made by the Sub-Commission at its forty-fifth session, to hold a seminar on indigenous land rights and claims, within existing resources, with the participation of representatives of Governments, indigenous people and experts.

[See chap. II, sect. A, resolution 1994/29,
and chap. XVII.]

8. Human rights and forensic science

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/31 of 4 March 1994, approves the Commission's request to the Secretary-General:

(a) To maintain and enlarge the list of forensic experts and experts in related fields who could be requested to help international mechanisms in the field of human rights, Governments and the Centre for Human Rights in providing technical and advisory services, advice in regard to the monitoring of human rights violations and training of local teams and/or assistance in the reunification of families of the disappeared;

(b) To provide appropriate resources, within existing overall United Nations resources, to fund the activities of the Centre for Human Rights in implementing Commission resolution 1994/31 of 4 March 1994.

[See chap. II, sect. A, resolution 1994/31,
and chap. X.]

9. Question of arbitrary detention

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/32 of 4 March 1994, approves the Commission's decision to extend for a three-year period the mandate of the Working Group, with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned, and also approves the Commission's request to the Secretary-General to ensure that the Working Group really receives all necessary assistance, particularly in regard to staffing and resources needed to discharge its mandate, including the organization, carrying out and follow-up of missions in countries wishing to invite the Working Group.

[See chap. II, sect. A, resolution 1994/32,
and chap. X.]

10. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/40 of 4 March 1994,

(a) Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-first session of the Commission in order to continue the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) Requests the Secretary-General to extend to the Working Group all the necessary facilities for its meetings and to transmit the report of the Working Group (E/CN.4/1994/25 and Add.1) to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned.

[See chap. II, sect. A, resolution 1994/40, and chap. X.]

11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/41 of 4 March 1994, endorses the decision of the Commission to confirm the proposal of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to create a monitoring mechanism to follow up the question of the independence and impartiality of the judiciary, particularly with regard to judges and lawyers, as well as court officials, and the nature of problems liable to attack this independence and impartiality, and recommends that this mechanism take the form of a special rapporteur whose mandate will consist of the following tasks:

(a) To inquire into any substantial allegations transmitted to him or her and to report his or her conclusions thereon;

(b) To identify and record not only attacks on the independence of the judiciary, lawyers and court officials but also progress achieved in protecting and enhancing their independence, and make concrete recommendations, including recommendations for the provision of advisory services or technical assistance when they are requested by the State concerned;

(c, To study, for the purpose of making proposals, important and topical questions of principle with a view to protecting and enhancing the independence of the judiciary and lawyers.

The Council also approves the request of the Commission to the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the completion of his or her work.

[See chap. II, sect. A, resolution 1994/41, and chap. X.]

12. Question of human rights and states of emergency

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/43 of 4 March 1994 and of resolution 1993/28 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the requests by the Sub-Commission:

(a) To Mr. Leandro Despouy, Special Rapporteur on human rights and states of emergency, to continue to update the list of states of emergency, and to include in his annual report to the Sub-Commission and the Commission recommendations on inalienable or non-derogable rights;

(b) To the Secretary-General to provide the Special Rapporteur with all the assistance he may require to carry out his work, to maintain cooperation with the different sources of information and databases, and to process the information submitted to him in an effective way.

[See chap. II, sect. A, resolution 1994/43, and chap. X.]

13. Question of the impunity of perpetrators of violations of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/44 of 4 March 1994, approves the Commission's endorsement of the request of the Sub-Commission on Prevention of Discrimination and Protection of Minorities contained in its resolution 1993/37 of 26 August 1993, to Mr. El Hadji Guissé and Mr. Louis Joinet to prepare a report on the first aspect of the question of the impunity of perpetrators of violations of human rights, and also approves the Commission's request to the Secretary-General to provide the Special Rapporteurs with any assistance required by them to be able to discharge their task.

[See chap. II, sect. A, resolution 1994/44, and chap. X.]

14. Question of integrating the rights of women into the human rights mechanisms of the United Nations and the elimination of violence against women

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/45 of 4 March 1994, approves:

(a) The Commission's decision to appoint a special rapporteur on violence against women, including its causes and its consequences;

(b) The Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

(c) The Commission's request to the Special Rapporteur to report to the Commission on an annual basis, beginning at its fifty-first session.

[See chap. II, sect. A, resolution 1994/45,
and chap. XI.]

15. Proclamation of a decade for human rights education

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/51 of 4 March 1994, approves the Commission's request to the Economic and Social Council to request the General Assembly to proclaim the 10-year period beginning on 1 January 1995 as the decade for human rights education, and also approves the Commission's invitation to the Secretary-General to submit to the General Assembly at its forty-ninth session, through the Economic and Social Council, a plan of action incorporating any additional activities which might result from consultations with the High Commissioner for Human Rights, Member States, bodies specializing in the field, governmental organizations, non-governmental organizations and other appropriate bodies, as provided for in paragraph 4 of General Assembly resolution 48/127.

[See chap. II, sect, A, resolution 1994/51,
and chap. XI.]

16. National institutions for the promotion and protection of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/54 of 4 March 1994, approves the Commission's request to the Secretary-General to convene a third international workshop of national institutions during 1995 in either Latin America or Asia, to invite Governments and intergovernmental organizations to contribute to the Voluntary Fund for Technical Cooperation in the Field of Human Rights and to finance attendance by representatives of national institutions from the Voluntary Fund, and also approves the request of the Commission to the Centre for Human Rights, with the assistance of national institutions and their coordinating committee, to provide technical assistance for States wishing to establish or strengthen their national institutions and to organize training programmes for national institutions which request them, and invites Governments to contribute additional funds to the Voluntary Fund for these purposes.

[See chap. II, sect. A, resolution 1994/54,
and chap. XI.]

17. Assistance to Guatemala in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/58 of 4 March 1994, approves the Commission's request to the Secretary-General to extend the mandate of the independent expert so that she may continue to examine the situation of human rights in Guatemala, provide assistance to the Government in the field of human rights and submit to the Commission at its fifty-first session a report assessing the measures taken by the Government in accordance with the recommendations made to it.

[See chap. II, sect. A, resolution 1994/58,
and chap. XIX.]

18. Assistance to Somalia in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/60 of 4 March 1994, approves the Commission's request to the Secretary-General to extend for 12 months the mandate of the independent expert to assist the Special Representative of the Secretary-General for Somalia through the development of a long-term programme of advisory services for re-establishing human rights and the rule of law, and to widen the independent expert's mandate to allow him to seek and receive information about and report on the human rights situation in Somalia, in an effort to prevent human rights violations; the Council also approves the Commission's request to the Secretary-General to provide adequate resources, from within the overall regular budget of the United Nations, to fund the activities of the independent expert and the Centre for Human Rights and further approves the request of the Commission to the independent expert to report to the Commission at its fifty-first session on conditions in Somalia and the implementation of the present resolution.

[See chap. II, sect. A, resolution 1994/60,
and chap. XIX.]

19. Situation of human rights in Cambodia

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/61 of 4 March 1994, approves the Commission's request to the Secretary-General to renew the mandate of the Special Representative as set out in paragraph 6 of Commission on Human Rights resolution 1993/6, and also approves the Commission's request to the Secretary-General to assure the promotion and protection of the human rights of all people in Cambodia and to ensure sufficient resources, from within existing overall United Nations resources, for the full implementation of the mandate of the Centre for Human Rights and that of the Special Representative.

[See chap. II, sect. A, resolution 1994/61,
and chap. XIX.]

20. El Salvador

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/62 of 4 March 1994, approves the Commission's decision to extend for one year the designation of the independent expert, for the purpose of providing advisory services to El Salvador and reporting, with the close cooperation of the Human Rights Division of the United Nations Observer Mission in El Salvador and the Government of El Salvador, on developments in human rights in El Salvador to the Commission on Human Rights at its fifty-first session under the agenda item "Advisory services in the field of human rights", and also approves the request of the Commission to the Secretary-General to provide the Government of El Salvador with any advisory services it may request, through the Centre for Human Rights.

[See chap. II, sect. A, resolution 1994/62,
and chap. XIX.]

21. Situation of human rights in Cuba

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/71 of 9 March 1994, approves the Commission's affirmation and extension for one year of the mandate of the Special Rapporteur, also approves the Commission's request to the Special Rapporteur to maintain direct contact with the Government and citizens of Cuba, to submit an interim report to the General Assembly at its forty-ninth session and to report to the Commission at its fifty-first session, and further approves the Commission's request to the Secretary-General to provide all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1994/71,
and chap. XII.]

22. Situation of human rights in the territory of the former Yugoslavia: violations of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/72 of 9 March 1994, approves:

(a) The decision of the Commission to extend for one year the mandate of the Special Rapporteur, its request that the Special Rapporteur continue his efforts, especially by carrying out all such further missions as he deems necessary, and that he continue to submit periodic reports, as appropriate, on the implementation of the present and other relevant human rights resolutions to the Commission and the General Assembly, and its request to the Secretary-General to continue to make the Special Rapporteur's report available to the Security Council and to the International Conference on the Former Yugoslavia;

(b) The request of the Commission to the Secretary-General to take steps to assist in obtaining the active cooperation of all United Nations bodies to implement the present resolution and, pursuant to paragraph 27 of General Assembly resolution 48/153, to provide the Special Rapporteur, within the overall budgetary framework of the United Nations, with additional resources and all other necessary assistance to enable him to fulfil his mandate, and in particular to provide for the appointment of field staff in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to provide first-hand, timely reports on the situation of human rights there.

[See chap. II, sect. A, resolution 1994/72,
and chap. XII.]

23. Situation of human rights in the Islamic Republic of Iran

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/73 of 9 March 1994, approves the Commission's decision to extend for a further year the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, and also approves the Commission's request to the Special Representative to submit an interim report to the General Assembly at its forty-ninth session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, and to report to the Commission at its fifty-first session, and further approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Representative.

[See chap. II, sect. A, resolution 1994/73,
and chap. XII.]

24. Situation of human rights in the Sudan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/79 of 9 March 1994, approves the Commission's decision to extend for an additional year the mandate of the Special Rapporteur on the situation of human rights in the Sudan, also approves the Commission's request to the Secretary-General to continue to give the Special Rapporteur all necessary assistance in the discharge of his mandate, and further approves the request of the Commission to the Special Rapporteur to report his findings and recommendations to the General Assembly at its forty-ninth session and to the Commission on Human Rights at its fifty-first session.

[See chap. II, sect. A, resolution 1994/79,
and chap. XII.]

25. Situation of human rights in Haiti

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/80 of 9 March 1994, approves the Commission's decision to extend for one more year the mandate of the Special Rapporteur established by Commission resolution 1992/77, also approves the Commission's request to the Special Rapporteur to submit a provisional report on the situation of human rights in Haiti to the General Assembly at its forty-ninth session and a final report to the Commission at its fifty-first session, and further approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance in order to fulfil his mandate.

[See chap. II, sect. A, resolution 1994/80,
and chap. XII.]

26. Human rights violations in the Papua New Guinea island of Bougainville

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/81 of 9 March 1994, approves the Commission's request to the Secretary-General, in the light of developments between the adoption of the present resolution and 30 September 1994, to consider the appropriateness of appointing a special representative whose mandate might include:

(a) Establishing direct contact with the Government of Papua New Guinea and representatives of the people of the various groups in the Papua New Guinea province of Bougainville to investigate the situation of human rights in Bougainville, including any progress made towards the full restoration of human rights in Bougainville and compliance with international human rights instruments and international humanitarian law;

(b) Exploring ways to promote an end to armed conflict and to facilitate dialogue and negotiations between the parties to the conflict, with a view to reaching a comprehensive, just and lasting solution and the full restoration of human rights;

(c) Receiving credible and reliable information from Governments, non-governmental organizations and any other body that might assist him in carrying out his mandate;

(d) Reporting to the Commission on Human Rights at its fifty-first session.

[See chap. II, sect. A, resolution 1994/81,
and chap. XII.]

27. Situation of human rights in Afghanistan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/84 of 9 March 1994, approves the Commission's decision to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Afghanistan, also approves the Commission's request to the Special Rapporteur to report on the situation of human rights in Afghanistan to the General Assembly at its forty-ninth session and to the Commission at its fifty-first session, and further approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

[See chap. II, sect. A, resolution 1994/84,
and chap. XII.]

28. Situation of human rights in Myanmar

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/85, of 9 March 1994, approves the Commission's decision to extend for one year the mandate of the Special Rapporteur to establish or continue direct contact with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and lawyers, and request him to report to the General Assembly at its forty-ninth session and to the Commission on Human Rights at its fifty-first session, and also approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance.

[See chap. II, sect. A, resolution 1994/85,
and chap. XII.]

29. Situation of human rights in Zaire

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/87 of 9 March 1994, approves the Commission's decision to invite the Chairman of the Commission to appoint, after consultations with the Bureau, a special rapporteur mandated to establish direct contacts with the authorities and the people of Zaire, and also approves the Commission's request to the special rapporteur to report to the Commission at its fifty-first session, on the basis of any information which might be gathered on the situation of human rights in Zaire, including information supplied by non-governmental organizations.

[See chap. II, sect. A, resolution 1994/87,
and chap. XII.]

30. Situation in Equatorial Guinea

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/89 of 9 March 1994, approves the Commission's decision to renew for one year the mandate of the Special Rapporteur, also approves the Commission's request that the Special Rapporteur report to the Commission at its fifty-first session, and further approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the discharge of his mandate.

[See chap. II, sect. A, resolution 1994/89,
and chap. XII.]

31. Human rights dimensions of population transfer, including the implantation of settlers and settlements

The Economic and Social Council, taking note of Commission on Human Rights decision 1994/102 of 25 February 1994, and resolution 1993/34 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the Commission's acceptance of the Sub-Commission's invitation to request the Secretary-General to organize a multidisciplinary expert seminar on the human rights dimensions of population transfer, including the implantation of settlers and settlements, prior to the preparation of the final report of the Special Rapporteur, in order to formulate appropriate final conclusions and recommendations; and approves the invitation of the Sub-Commission to request the Special Rapporteur to undertake on-site visits, with the consent of the States concerned, to diverse, ongoing cases of population transfer selected on the basis of information received for the next report.

[See chap. II, sect. B, decision 1994/102,
and chap. VII.]

32. Traditional practices affecting the health of women and children

The Economic and Social Council, taking note of Commission on Human Rights decision 1994/104 of 4 March 1994, and resolution 1993/33 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the endorsement by the Commission of the recommendation of the Sub-Commission to extend for one year the mandate of the Special Rapporteur, Ms. Halima Embarek Warzazi, so as to enable her to submit to the Sub-Commission at its forty-sixth session a plan of action for the elimination of harmful traditional practices affecting the health of women and children, and a report on the regional seminar to take place in Asia; and also approves the endorsement by the Commission of the Sub-Commission's recommendation that the Centre for Human Rights provide all the assistance that the Special Rapporteur may require in the exercise of her mandate.

[See chap. II, sect. B, decision 1994/104,
and chap. XVII.]

33. Cultural and intellectual property of indigenous people

The Economic and Social Council, taking note of Commission on Human Rights decision 1994/105 of 4 March 1994, welcomes the study by the Special Rapporteur, Mrs. Erica-Irene A. Daes, on the protection of the cultural and intellectual property of indigenous people (E/CN.4/Sub.2/1993/28), authorizes her to update and expand the study with a view to elaborating draft principles and guidelines on the protection of the heritage of indigenous people, requests her to submit her preliminary report to the Sub-Commission at its forty-sixth session, requests the Secretary-General to provide the Special Rapporteur with all necessary assistance to accomplish her work, and approves the new title of the study, "Protection of the heritage of indigenous people".

[See chap. II, sect. B, decision 1994/105,
and chap. XVII.]

34. The right to a fair trial

The Economic and Social Council, recalling its decision 1993/290 of 20 July 1993, approves the endorsement by the Commission on Human Rights, contained in its decision 1994/107 of 4 March 1994, of the request of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Special Rapporteurs, Mr. Stanislav Chernichenko and Mr. William Treat, to submit their final report on the right to a fair trial, as described in Sub-Commission resolution 1993/26 of 25 August 1993, and requests the Secretary-General to provide the assistance necessary to enable them to carry out their work successfully.

[See chap. II, sect. B, decision 1994/107,
and chap. X.]

35. Organization of the work of the session

The Economic and Social Council, taking note of Commission on Human Rights decision 1994/111 of 11 March 1994, and Commission on Human Rights resolution 1993/98 of 12 March 1993, approves the decision by the Commission to convene an informal, open-ended working group, open to all participants, under the chairmanship of the Chairman of its fiftieth session for a maximum period of 10 working days to discuss:

(a) The reclustering of the agenda of the Commission on Human Rights, with a view to proposing a provisional agenda for the fifty-first session;

(b) Organizational matters related to the above, including the organization of work and documentation;

(c) A preliminary inventory of other reforms;

also approves the decision by the Commission that the work of the working group will be conducted on a basis of consensus, and further approves the decision by the Commission to request the secretariat to prepare an analysis of the organization of the past three sessions of the Commission on Human Rights, including its fiftieth session, to be used for reference purposes at the meeting of the open-ended working group. The Economic and Social Council further approves the request of the Commission to the Chairman of the working group to report to the Commission at its fifty-first session.

[See chap. II, sect. B, decision 1994/111, and chap. III.]

36. Organization of the work of the fifty-first session of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 1994/112 of 11 March 1994, decides to authorize, if possible within existing financial resources, 40 fully-serviced additional meetings, including summary records, for the Commission's fifty-first session, and takes note of the Commission's decision to request the Chairman of the fifty-first session of the Commission to make every effort to organize the work of that session within the time normally allotted, the additional meetings to be utilized only if they prove to be absolutely necessary.

[See chap. II, sect. B, decision 1994/112, and chap. III.]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FIFTIETH SESSION

A. Resolutions

1994/1. Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

Recalling that, in accordance with article 13, paragraph 2, of the Universal Declaration of Human Rights, everyone has the right to leave any country, including his own, and to return to his country,

Reaffirming that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to Palestinian and all Arab territories occupied by Israel since 1967, including Jerusalem,

Recalling its resolutions 1990/1 of 16 February 1990, 1991/3 of 15 February 1991, 1992/3 of 14 February 1992 and 1993/3 of 19 February 1993 which, inter alia, reaffirmed the illegality of the Israeli settlements in the occupied territories,

Gravely concerned at the establishment by the Israeli Government of settlers in the occupied territories, which may change the physical character and demographic composition of the occupied territories,

Welcoming the positive development which originated with the International Peace Conference on the Middle East, convened at Madrid on 30 October 1991, including in particular the Declaration of Principles on Interim Self-Government Arrangements signed by the Government of Israel and the Palestine Liberation Organization on 13 September 1993, as well as all the efforts for the creation of a peaceful and stable environment in the Middle East,

Noting the report (E/CN.4/1994/14) submitted by the Special Rapporteur pursuant to resolution 1993/2A of 19 February 1993 and referring to information provided to him on confiscation of land by the Israeli authorities before and after the signing of the Declaration of Principles on 13 September 1993,

Convinced that a complete cessation by Israel of its policy of settlement would constitute, especially at the present stage of the process, a meaningful contribution to the creation of a peaceful and stable environment,

1. Reaffirms that the installation of Israeli civilians in the occupied territories is illegal and constitutes a violation of the relevant provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949;

2. Regrets that the Government of Israel has not fully complied with the provisions of Commission on Human Rights resolutions 1990/1, 1991/3, 1992/3 and 1993/3;

3. Urges the Government of Israel to abstain from installing any settlers in the occupied territories.

30th meeting
18 February 1994
[Adopted by a roll-call vote of 49 to 1, with 1 abstention. See chap. IV.]

1994/2. Human rights in the occupied Syrian Golan

The Commission on Human Rights,

Deeply concerned at the suffering of the population of the Syrian and other Arab territories occupied by Israel since 1967 and the continued Israeli military occupation, and that the human rights of the population continue to be violated,

Recalling Security Council resolution 497 (1981) of 17 December 1981, in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision,

Recalling General Assembly resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/88 E of 10 December 1982, 38/79 F of 15 December 1983, 39/95 F of 14 December 1984, 40/161 F of 16 December 1985, 41/63 F of 3 December 1986, 42/160 F of 8 December 1987, 43/21 of 3 November 1988, 43/58 F of 6 December 1988, 44/2 of 6 October 1989, 45/74 F of 11 December 1990, 46/47 F of 9 December 1991, 47/70 F of 14 December 1992 and 48/41 D of 10 December 1993,

Recalling also General Assembly resolution 3414 (XXX) of 5 December 1975 and other relevant resolutions in which the Assembly, inter alia, demanded the immediate, unconditional and total withdrawal of Israel from the Arab territories occupied since 1967,

Recalling further General Assembly resolution 3314 (XXIX) of 14 December 1974, in which it defined an act of aggression,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territory by force is inadmissible under the principles of international law and under the Charter of the United Nations and the relevant resolutions of the Security Council and the General Assembly, and that all territories thus occupied by Israel must be returned,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian

People and Other Arabs of the Occupied Territories (A/48/557) and, in this connection, deploring Israel's constant refusal to cooperate with and to receive the Special Committee,

Expressing its grave alarm, after considering the above-mentioned report of the Special Committee, over Israel's flagrant and persistent violations of human rights in the Syrian and other Arab territories occupied since 1967, despite the resolutions of the Security Council and the General Assembly which repeatedly called upon Israel to put an end to such occupation,

Reaffirming its previous relevant resolutions, the most recent being resolution 1993/1 of 19 February 1993,

Guided by the relevant provisions of the Charter of the United Nations and the Universal Declaration of Human Rights and with particular reference to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907,

1. Strongly condemns Israel, the occupying Power, for its refusal to comply with the relevant resolutions of the General Assembly and the Security Council, particularly resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decision;

2. Condemns the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties;

3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

4. Strongly condemns Israel for its attempt to impose forcibly Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and for its practices of annexation, establishment of settlements, confiscation of lands and diversion of water resources and imposing a boycott on their agricultural products; and calls upon Israel to desist from its settlement designs and policies aimed against academic institutions with the goal of serving the objectives of occupation, and to desist from its repressive measures against the population of the occupied Syrian Golan;

5. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to in the present resolution;

6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its fifty-first session;

7. Decides to include in the provisional agenda of its fifty-first session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

30th meeting
18 February 1994
[Adopted by a roll-call vote of 25 votes to 1, with 25 abstentions. See chap. IV.]

1994/3. Question of the violation of human rights in the occupied Arab territories, including Palestine

A

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, as well as by the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the provisions of Additional Protocol I thereto, and The Hague Convention IV of 1907, as well as the principles of international law affirmed by the General Assembly in its resolutions 3 (I) of 13 February 1946, 95 (I) of 11 December 1946, 260 A (III) of 9 December 1948 and 2391 (XXIII) of 26 November 1968,

Recalling the relevant Security Council resolutions,

Recalling also the General Assembly resolutions on Israeli violations of human rights in occupied Palestine, since 1967 and until now,

Recalling further the provisions of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights,

Taking note with appreciation of the report (E/CN.4/1994/14) of the Special Rapporteur, Mr. René Felber, regarding his mission undertaken in accordance with Commission resolution 1993/2 A of 19 February 1993, *Taking note also* of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968,

Noting with great concern the continued Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights,

Welcoming the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization on 13 September 1993, whereby violations of human rights will end through the full withdrawal of Israeli forces from the occupied Palestinian territory,

Recalling all its previous resolutions on the subject,

1. *Deeply regrets* the continued violations of human rights in the occupied Palestinian territory since the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization on 13 September 1993;

2. *Condemns* the continued violations of the human rights of the Palestinian people in the Palestinian territory occupied by Israel with military force, including Jerusalem, and, in particular, the opening of fire by the Israeli army and settlers on Palestinian civilians that results in killing and wounding them; the imposition of restrictive economic measures; the demolition of houses; the expropriation of houses; collective punishment; arbitrary and administrative detention of thousands of Palestinians without trial; the confiscation of property of Palestinians; the expropriation of land; the prevention of travel; the closure of universities and schools; the perpetration of crimes of torture in Israeli prisons and detention centres; and the establishment of Israeli settlements in the occupied Palestinian territory;

3. *Calls once more* upon Israel, the occupying Power, to desist from all forms of violation of human rights in the Palestinian and other occupied Arab territories and to respect the bases of international law, the principles of international humanitarian law, and its commitments to the provisions of the Charter and resolutions of the United Nations;

4. *Also calls upon* Israel to withdraw from the Palestinian territory, including Jerusalem, and the other occupied Arab territories in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights;

5. *Requests* the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale, and to report on its implementation by the Government of Israel to the Commission on Human Rights at its fifty-first session;

6. *Also requests* the Secretary-General to provide the Commission on Human Rights with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation;

7. *Decides* to consider the question at its fifty-first session as a matter of priority.

30th meeting
18 February 1994
[Adopted by a roll-call vote of 26 to 3,
with 23 abstentions. See chap. IV.]

B

The Commission on Human Rights,

Recalling Security Council resolutions related to the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Palestinian and other occupied Arab territories, which call for Israel's commitment to them,

Recalling all relevant General Assembly resolutions on the applicability to the occupied Palestinian territory of the Convention which urge Israel's commitment to and respect for their provisions,

Recalling also the decisions of the International Conference of the Red Cross and the International Conference for the Protection of War Victims (Geneva, 30 August - 1 September 1993) in respect of the application of the Convention in all circumstances and the statements of the International Committee of the Red Cross which condemn the continuous serious violations by Israel of the provisions of the Convention and its refusal to apply those provisions in the occupied territories,

Recalling further the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights,

Taking into account that States parties to the Convention undertake, in accordance with article 1 thereof, to respect, and ensure respect for, the Convention in all circumstances,

Recalling all its previous resolutions on the subject,

1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinian and all other Arab territories occupied by Israel since 1967, including Jerusalem, and that Israel's long-standing refusal to apply the Convention to those territories has led to the perpetration by the Israeli authorities of grave violations of human rights against Palestinian citizens,

and calls upon Israel to comply with its international commitments, to respect the Convention and to apply it in the occupied Palestinian territory, including Jerusalem;

2. Urges once more all States parties to the Convention to make every effort to ensure the Israeli occupation authorities' respect for and compliance with the provisions of the Convention in the Palestinian and all other Arab territories occupied by Israel since 1967, including Jerusalem, and to undertake the necessary practical measures to ensure the provision of international protection for the Palestinian people under occupation, in accordance with the provisions of article 1 and other relevant articles of the Convention;

3. Strongly condemns once more the refusal of Israel to apply the Convention to Palestine and the Arab territories occupied since 1967 and to their inhabitants, Israel's policies of perpetrating crimes of torture against Palestinian detainees and prisoners in Israeli prisons and detention camps and its continued deliberate disregard for the provisions of the Convention, in contravention of resolutions of the Security Council, the General Assembly and the Commission on Human Rights;

4. Calls upon Israel to allow those who have been deported since 1967 to return to their homeland without delay in implementation of the resolutions of the Security Council, the General Assembly and the Commission on Human Rights;

5. Requests the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations, international humanitarian organizations and non-governmental organizations, and to report on progress in its implementation by the Government of Israel to the Commission on Human Rights at its fifty-first session;

6. Decides to consider the question at its fifty-first session as a matter of high priority.

30th meeting
18 February 1994
[Adopted by a roll-call vote of 26 to 1,
with 25 abstentions. See chap. IV.]

1994/4. Middle East peace process

The Commission of Human Rights,

Recalling General Assembly resolution 48/58 on the Middle East peace process, adopted on 14 December 1993,

Recalling also the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, Stressing that the achievement of a comprehensive and lasting settlement of the Middle East conflict will constitute a significant contribution to the strengthening of international peace and security, and is an indispensable condition for the furthering of human rights in the region,

Recalling the convening of the International Peace Conference on the Middle East at Madrid on 30 October 1991, on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and the subsequent bilateral negotiations, as well as the meetings of the multilateral working groups, and noting with satisfaction the broad international support for the peace process,

Noting the continuing positive participation of the United Nations as a full extraregional participant in the work of the multilateral working groups,

Bearing in mind the Declaration of Principles on Interim Self-Government Arrangements, signed by the Government of Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993,

1. Stresses the importance of, and need for, achieving a comprehensive, just and lasting peace in the Middle East;

2. Emphasizes that the achievement of such a peace is vital for the full implementation of human rights in the area;

3. Welcomes the peace process started at Madrid and supports the subsequent bilateral negotiations;

4. Expresses its full support for the achievements of the peace process thus far, in particular the Declaration of Principles on Interim Self-Government Arrangements, signed by the Government of Israel and the Palestine Liberation Organization, and the Agreement between Israel and Jordan on the Common Agenda, which constitute an important initial step in achieving a comprehensive, just and lasting peace in the Middle East, and urges all parties to implement agreements reached;

5. Considers that an active United Nations role in the Middle East peace process and in assisting in the implementation of the Declaration of Principles can make a positive contribution.

30th meeting
18 February 1994
[Adopted by a roll-call vote of 48 to 2,
with 2 abstentions. See chap. IX.]

1994/5. Situation in occupied Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right of self-determination,

Taking into consideration the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted by the General Assembly in its resolution 1514 (XV) of 14 December 1960,

Guided by the provisions of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, and in particular part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especialy those subject to foreign occupation,

Noting Security Council resolutions 183 (1963) of 11 December 1963 and 218 (1965) of 23 November 1965, which affirmed the interpretation of the principle of self-determination as laid down in General Assembly resolution 1514 (XV),

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination without external interference and to the establishment of their independent State on their national soil, especially Assembly resolutions ES-7/2 of 29 July 1980 and 37/86 E of 20 December 1982,

Reaffirming its previous resolutions in this regard,

Bearing in mind the reports and recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People which, from 1976 to 1993, have been submitted to the Security Council through the General Assembly,

Reaffirming the right of the Palestinian people to self-determination in accordance with the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world,

Expressing its grave concern at the persistence of Israel in preventing by force the Palestinian people from enjoying their inalienable rights, in particular their right to self-determination,

Recalling that the foreign occupation by the armed forces of a State of the territory of another State constitutes an obstacle and a grave violation of human rights according to part I, paragraph 30 of the Vienna Declaration and Programme of Action, and an act of aggression and a crime against the peace and security of mankind, according to General Assembly resolution 3314 (XXIX) of 14 December 1974,

Expressing its grave concern that no just solution has been achieved to the problem of Palestine, which has constituted the core of the Arab-Israeli conflict since 1948,

Welcoming the Declaration of Principles on Interim Self-Government Arrangements signed by the Government of Israel and the Palestine Liberation Organization on 13 September 1993, aimed at enabling the Palestinian people to achieve their national rights and, principally, their right to self-determination free of external intervention,

1. Reaffirms the inalienable right of the Palestinian people to self-determination without external interference;

2. Calls upon Israel to comply with its obligations under the Charter of the United Nations and the principles of international law and to withdraw from the Palestinian and other Arab territories which it has occupied since 1967 by military force, including Jerusalem, in accordance with the relevant United Nations resolutions, so as to enable the Palestinian people to exercise their universally recognized right of self-determination;

3. Requests the Secretary-General to transmit the present resolution to the Government of Israel and to all other Governments, to distribute it on the widest possible scale and to make available to the Commission on Human Rights, prior to the convening of its fifty-first session, all information pertaining to the implementation of the present resolution by the Government of Israel;

4. Decides to include in the provisional agenda for its fifty-first session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider the situation in occupied Palestine under that item, as a matter of high priority.

30th meeting
18 February 1994
[Adopted by a roll-call vote of 26 to 1,
with 25 abstentions. See chap. IX.]

1994/6. Question of Western Sahara

The Commission on Human Rights,

Having considered the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the

Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its earlier resolutions, the latest of which is resolution 1993/17 of 26 February 1993,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y Río de Oro to the proposals of the Secretary-General of the United Nations and the current Chairman of the Conference of Heads of State and Government of the Organization of African Unity, in the framework of their joint mission of good offices,

Recalling further Security Council resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991 and 725 (1991) of 31 December 1991 relating to the question of Western Sahara,

Recalling with satisfaction the entry into force of the cease-fire in Western Sahara on 6 September 1991, in accordance with the proposal of the Secretary-General accepted by both parties,

Taking note of the adoption of resolution 809 (1993) by the Security Council on 2 March 1993,

Noting the letter dated 4 August 1993 from the President of the Security Council addressed to the Secretary-General (S/26239),

Considering that the holding of talks between the two parties in Laayoune from 17 to 19 July 1993 is a positive development,

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/48/23 (Part V), chap. IX),

Having also examined the report of the Secretary-General (A/48/426),

1. _Takes note with appreciation_ of the report of the Secretary-General;

2. _Pays tribute_ to the Secretary-General and his Special Representative for their action with a view to settling the question of Western Sahara through the implementation of the settlement plan;

3. _Reaffirms its support_ for the efforts which the Secretary-General will continue to make for the organization and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in accordance with resolutions 658 (1990) and 690 (1991), in which the Security Council adopted the settlement plan for the question of Western Sahara;

4. Endorses the content of the letter dated 4 August 1993 (S/26239) from the President of the Security Council addressed to the Secretary-General, in which the members of the Security Council, among other things fully support the Secretary-General's efforts to make early progress on the preparations for holding the referendum in accordance with Council resolution 809 (1993), note that the Identification Commission has begun preparatory work, welcome the reaffirmation by the two parties of their commitment to the implementation of the peace plan in its entirety, and, in particular, their encouraging responses to his compromise proposal concerning the interpretation and application of the criteria, and share the Secretary-General's hope that direct talks between the two parties will soon resume;

5. Recalls that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the ongoing referendum process, and to report thereon to the Assembly at its forty-ninth session;

6. Decides to follow the development of the situation in Western Sahara and to consider the question at its fifty-first session, as a matter of high priority, under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

30th meeting
18 February 1994
[Adopted without a vote. See chap. IX.]

1994/7. Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

The Commission on Human Rights,

Recalling the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the sovereign equality, political independence and territorial integrity of States and the self-determination of peoples, as well as the need for scrupulous respect for the principle of the non-use of force or threat of use of force in international relations as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)),

Recognizing that mercenaries are used for activities which violate these principles,

Alarmed at the continuing trend of unlawful international activities involving mercenaries in the perpetration of violent actions inimical to the constitutional order of States, Concerned at the grave menace that the increasing activities of mercenaries represent for many States, particularly African States,

Gravely concerned at the loss of life, the damage to property and the negative effects on the economies of affected States, in the southern African region and elsewhere,

Convinced that it is necessary to develop international cooperation among States for the prevention, prosecution and punishment of such offences,

1. Takes note with appreciation of the report (E/CN.4/1994/23) of the Special Rapporteur on the use of mercenaries and the concern expressed therein at the continuation of the activities of mercenaries despite resolution 1993/5 of 19 February 1993 of the Commission;

2. Reaffirms that the recruitment, use, financing and training of mercenaries should be co^Nsidered as offences of grave concern to all States;

3. Urges all States to prevent mercenaries from using any part of their territories to destabilize or to threaten the territorial integrity of any sovereign State;

4. Calls upon all States that have not yet done so to consider taking early action to ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

5. Requests the Special Rapporteur to report to the Commission at its fifty-first session on all further developments on the use of mercenaries, wherever that may occur;

6. Urges all States to cooperate with the Special Rapporteur in the fulfilment of his mandate;

7. Requests the Special Rapporteur to make specific recommendations on effective measures to combat the activities of mercenaries;

8. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the fulfilment of his mandate.

30th meeting
18 February 1994
[Adopted by 35 votes to 1, with 15 abstentions.
See chap IX.]

1994/8. Monitoring and assisting the transition to democracy in South Africa

The Commission on Human Rights,

Recalling Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/6 of 21 August 1992, Taking note of Economic and Social Council resolution 1993/45 of 28 July 1993 in which the Council authorized the Sub-Commission to entrust Ms. Judith Sefi Attah with the task of presenting annually a report on the transition to democracy in South Africa,

Conscious of General Assembly resolution 48/1 of 8 October 1993 on the lifting of economic sanctions against South Africa and resolution 48/159 of 20 December 1993 on the elimination of apartheid and establishment of a united, democratic and non-racial South Africa, in which the Assembly called upon all Governments to observe fully the mandatory arms embargo imposed by the Security Council,

Welcoming the progress made so far by the Government of South Africa towards the holding of the first non-racial elections,

Having considered the report of the Special Rapporteur (E/CN.4/Sub.2/1993/11/Add.1) highlighting the progress made so far by the Government of South Africa and the likely impediments to a smooth transition to democracy in South Africa,

Concerned about the danger posed by the continuing incidence of violence and political intolerance which might impede the smooth transition to democracy,

Mindful of the other impediments to the smooth democratization of South Africa including, inter alia, the legacy of apartheid which denied the majority of Africans equal access to the realization of their economic, social, cultural, civil and political rights,

1. Takes note with appreciation of the report of the Special Rapporteur (E/CN.4/Sub.2/1993/11/Add.1) on the positive developments in South Africa;

2. Stresses the importance of the removal of all obstacles to the transition to democratic rule in South Africa;

3. Also stresses the need for the Government of South Africa to create an environment conducive to the realization by the individual of his/her economic, social and cultural rights and the exercise of his/her civil and political rights;

4. Calls upon all States to comply fully with the arms embargo imposed by the Security Council on South Africa until the Security Council decides otherwise;

5. Endorses all the recommendations of the Special Rapporteur contained in her report and requests the Secretary-General to ensure their speedy implementation;

6. Calls upon the Centre for Human Rights to make available, on request, its programme of advisory services and technical assistance to the democratically elected Government of South Africa;

7. Requests the Special Rapporteur to undertake two missions to South Africa in 1994 to gain further insights into the whole process of transition to democracy in South Africa and to report to the Commission at its fifty-first session;

8. Requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance to enable her to carry out this mandate;

9. Decides, in view of the changing situation in South Africa, to replace the agenda item entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime in South Africa" with an item entitled "Monitoring and assisting the transition to democracy in South Africa";

10. Also decides to consider the issues to be raised by the Special Rapporteur in her report to the fifty-first session of the Commission under the new agenda item.

30th meeting
18 February 1994
[Adopted without a vote. See chap. VI.]

1994/9. Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination

The Commission on Human Rights,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming its conviction that racism, racial discrimination and apartheid constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms, racial discrimination and apartheid,

Recalling its resolution 1993/11 of 26 February 1993,

Recalling the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization on 14 December 1960, Bearing in mind General Assembly resolutions 3057 (XXVIII) of 2 November 1973, on the First Decade for Action to Combat Racism and Racial Discrimination, and 38/14 of 22 November 1983, on the Second Decade to Combat Racism and Racial Discrimination,

Recalling the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

Welcoming the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given to the programme of action for the elimination of racism, racial discrimination, xenophobia and related intolerance,

Welcoming also the decision by the Economic and Social Council to appoint a special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Bearing in mind the measures taken by the South African authorities to repeal or amend the major laws which had constituted the pillars of apartheid, as well as the progress made towards the establishment of a democratic, non-racial and united South Africa,

Convinced of the need to ensure and support the peaceful transition towards a democratic and non-racial South Africa,

Reaffirming the Declaration on Apartheid and its Destructive Consequences in Southern Africa, unanimously adopted by the General Assembly at its sixteenth special session, on 14 December 1989, which offers guidelines on how to end apartheid,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism, racial discrimination and apartheid,

Recognizing the importance of strengthening, where necessary, national legislation and institutions for the promotion of racial harmony,

Aware of the importance and the magnitude of the phenomenon of migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Recalling the adoption by the General Assembly at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Aware that indigenous people are at times victims of particular forms of racism and racial discrimination, Welcoming General Assembly resolution 48/91 of 20 December 1993, whereby the General Assembly decided to proclaim a Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and to adopt the Programme of Action proposed for the Third Decade,

Taking note of the Secretary-General's note (E/CN.4/1994/63) transmitting the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination,

1. Declares that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, are among the most serious violations of human rights in the contemporary world and must be combated by all available means;

2. Commends all States that have ratified or acceded to the relevant international instruments to combat racism and racial discrimination;

3. Appeals to those States that have not yet done so to consider ratifying, acceding to and implementing the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention against Discrimination in Education;

4. Urges all Governments to take all necessary measures to combat new forms of racism, in particular by ongoing adjustment of the methods used to combat them;

5. Invites all Governments and international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of these evils;

6. Invites the Secretary-General to take action to coordinate all the programmes currently being carried out by United Nations bodies with a view to achieving the objectives of the Third Decade;

7. Requests the Secretary-General to continue to accord special attention to the situation of migrant workers and members of their families and to include regularly in his reports all information on such workers;

8. Also requests the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities and those of migrant workers in the field of education, training and employment, and to submit, inter alia, specific recommendations for the implementation of measures to combat the effects of that discrimination;

9. Calls upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, with a view to its soon being able to enter into force;

10. Urges the Secretary-General, United Nations bodies and specialized agencies, all Governments, intergovernmental organizations and relevant non-governmental organizations, in implementing the Programme of Action for the Third Decade, to pay particular attention to the situation of indigenous peoples;

11. Requests the Secretary-General to publish and distribute as soon as possible the revised model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination;

12. Invites the United Nations Educational, Scientific and Cultural Organization to expedite the preparation of teaching materials and teaching aids to promote teaching, training and education activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education;

13. Regrets that some of the activities scheduled for the Second Decade to Combat Racism and Racial Discrimination have not been implemented because of lack of adequate resources;

14. Calls upon the international community to provide the Secretary-General with appropriate financial resources for efficient action against racism and racial discrimination;

15. Invites all Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations in consultative status with the Economic and Social Council, to participate fully in the Third Decade to Combat Racism and Racial Discrimination;

16. Considers that voluntary contributions to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination are indispensable for the implementation of the Programme;

17. Strongly appeals, therefore, to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund, and to this end requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions;

18. Requests the Secretary-General to ensure that the necessary financial resources are provided for the implementation of the activities of the Third Decade during the biennium 1994-1995;

19. Takes note of the report of the Secretary-General on the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (A/48/423);

20. Recommends that the activities mentioned in the report of the Secretary-General be undertaken during the Third Decade to Combat Racism and Racial Discrimination and be reviewed at mid-term;

21. Welcomes the establishment of a focal point within the United Nations Centre for Human Rights, which will be responsible for

reviewing information concerning activities carried out within the framework of the Third Decade and making specific recommendations on activities to be undertaken;

22. Requests the Secretary-General to submit to the Commission on Human Rights a detailed annual report on:

(a) all activities of United Nations bodies and the specialized agencies, analysing information received on such activities to combat racism and racial discrimination;

(b) measures to be taken to improve the coordination of the activities of the Programme of Action or to supplement, on the basis of the discussions in plenary, the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination;

23. Recalls how important it is to assign the highest priority to the activities of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination aimed at monitoring the transition from apartheid to a non-racial society in South Africa;

24. Calls upon all Governments to encourage further positive change in South Africa based on the guidelines set out in the Declaration on Apartheid and its Destructive Consequences in Southern Africa, in particular by adopting effective measures to support and ensure the peaceful transition to a non-racial and democratic society in South Africa;

25. Decides to consider at its fifty-first session, as a matter of high priority, the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.

30th meeting
18 February 1994
[Adopted without a vote. See chap. XIV.]

1994/10. Situation of human rights in South Africa

The Commission on Human Rights,

Recalling its resolutions 1989/5 of 23 February 1989, 1990/26 of 27 February 1990, 1991/21 of 1 March 1991, 1992/19 of 28 February 1992 and 1993/9 of 26 February 1993,

Recalling the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted by the General Assembly in resolution S-16/1 of 14 December 1989, and the need for the full implementation of its provisions,

Recalling also the report of the Special Committee against Apartheid (A/48/22) and the fourth report of the Secretary-General on progress made in the implementation of the Declaration (A/48/691), as well as the reports of the Secretary-General on the coordinated approach by the United Nations system on questions relating to South Africa (A/48/467 and Add.1) and on the concerted and effective measures aimed at eradicating apartheid (A/46/499),

Having examined the interim report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1994/15),

Welcoming the positive political developments that have taken place within the framework of the resumed multi-party negotiations providing for the holding of elections on 26-28 April 1994 and the establishment of the Transitional Executive Council, the finalization of the Constitution for the Transitional Period and the subsequent measures to create the Independent Electoral Commission and the Independent Broadcasting Authority,

Welcoming also the endorsement by the parties in the multi-party negotiations of the Constitution for the Transitional Period and the Electoral Bill,

Noting with satisfaction that in the Constitution for the Transitional Period cognizance has been taken of the large number of international instruments in respect of human rights,

Noting that, while positive measures have been taken by the Government of South Africa, including the repeal of some major apartheid laws and the revision of the security legislation, important obstacles to the achievement of a climate conducive to the exercise of free political activity still remain,

Noting also that while positive steps have been taken by the Government of South Africa towards changing the racial education system, many obstacles still persist,

Gravely concerned that persistent violence continues to threaten and to undermine the process of peaceful change through peaceful elections due to take place on 26-28 April 1994,

Stressing the need to strengthen and reinforce the mechanisms set up in South Africa under the National Peace Accord, and emphasizing the need for all parties to cooperate in combating violence, exercising restraint and taking part in the forthcoming elections,

Welcoming the adoption of part I, paragraph 16 and part II, paragraph 19 of the Vienna Declaration and Programme of Action (A/CONF.157/23) by the World Conference on Human Rights, in which the World Conference welcomed the progress made in dismantling apartheid and deplored the continuing acts of violence aimed at undermining the quest for a peaceful dismantling of apartheid,

Welcoming also the enhanced attention given by the international community to the question of violence in South Africa and especially the deployment in South Africa of observers from the United Nations, the Organization of African Unity, the Commonwealth and the European Union to further the purposes of the National Peace Accord and the forthcoming elections, Welcoming further the positive development of granting citizenship to the inhabitants of the o-called "homelands", while noting that reforms aimed at incorporating them in the legal, political and administrative framework of South Africa have yet to be fully implemented,

Concerned that detention without charge remains possible in law, for example under sections 29 and 50 of the Internal Security Act, as well as under the Public Safety Act,

Stressing the importance of the powers exercised by the Minister of Law and Order to declare unrest and to impose emergency regulations being subjected to control by the Transitional Executive Council,

Deeply concerned that certain right-wing parties and/or the Freedom Alliance and some territories have threatened to boycott the forthcoming elections,

Gravely disturbed at the socio-economic inequalities in South Africa and at the accumulated negative impact of apartheid on the social, economic and cultural rights of the majority of the people of South Africa, with particularly harmful effects on women and children,

Welcoming the successful negotiations between the Government of South Africa and the main parties concerned aimed at working out modalities for a non-racial, democratic constitution and the creation of the Transitional Executive Council,

Recognizing the important role the international community and the Centre for Human Rights could play in assisting the new Government and the people of South Africa in overcoming the legacy of apartheid and promoting respect for all human rights, including civil, cultural, economic, political and social rights,

1. Takes note of the interim report (E/CN.4/1994/15) of the Ad Hoc Working Group of Experts on southern Africa, and commends the Working Group for the updated documentation of the situation of human rights in South Africa;

2. Reaffirms its support for the legitimate struggle of the South African people for the total eradication of apartheid through peaceful means and their right to establish a non-racial, democratic system which is consistent with the International Bill of Human Rights;

3. Calls upon the South African authorities to exercise effectively their responsibility to maintain law and order, to stop the violence, to prosecute its perpetrators and to protect all citizens, irrespective of their political affiliation;

4. Also calls upon all parties to refrain from further acts of violence;

5. Strongly urges the Government of South Africa to implement fully the recommendations of the Commission of Enquiry into Public Violence

and Intimidation (the Goldstone Commission) and to cooperate with that Commission with a view to carrying out further investigations into the functioning and operation of the security forces and other existing armed units;

6. Commends the Secretary-General for the measures taken to address areas of concern relating to the elections scheduled for 26-28 April 1994, and invites him to accelerate contingency planning for the role of the United Nations;

7. Supports the recommendations of the Secretary-General for the deployment of observers in South Africa to further the purposes of the National Peace Accord, and urges him to continue to address all the areas of concern noted in his reports which fall within the purview of the United Nations;

8. Urges all parties to implement as a matter of urgency the agreement to grant a general unconditional amnesty to all those sentenced for anti-apartheid activities which are regarded as politically motivated;

9. Appeals to the international community to assist and enhance the role of humanitarian and human rights groups in extending assistance to victims of apartheid and released political prisoners and in monitoring the situation of human rights in South Africa;

10. Urges the South African authorities to expedite the legal and administrative measures to abolish speedily and unconditionally all the remaining "homelands" and the "bantustan system" and reincorporate them in South Africa, and to ensure that the populations in those territories can freely participate in the elections and that all political parties will be able to conduct election campaigns without fear of intimidation;

11. Also urges the South African authorities to ensure that no parties are permitted to disrupt the democratic process leading to the elections scheduled for 26-28 April 1994 and to ensure that an adequate number of electoral booths are installed throughout the territory of South Africa;

12. Further urges the South African authorities to address seriously and urgently the problem of landlessness and the gross inequalities in land ownership in order to create an atmosphere of lasting stability in South Africa;

13. Urges once again the South African authorities to repeal the remaining discriminatory apartheid laws, introduce the necessary legal and administrative measures to correct entrenched socio-economic inequalities and implement and enforce without delay that legislation in the areas of education, health, housing, social welfare and domestic and farm work;

14. Invites the new Government of South Africa to adopt and ratify the important international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in addition to those it has already signed;

15. Calls for the replacement of the present racial education system with a non-racial education system;

16. Calls upon the international community to support through appropriate measures the fragile and critical process of transition under way in South Africa;

17. Reiterates the call to all Governments to observe fully the mandatory arms embargo and the request to the Security Council to continue to monitor effectively the implementation of the embargo, as decided in Security Council resolutions 418 (1977) of 4 November 1977, 558 (1984) of 13 December 1984 and 591 (1986) of 28 November 1986;

18. Urges all parties in South Africa, including those which did not participate fully in the multi-party negotiations, to respect agreements reached during the talks, to recommit themselves to democratic principles, to take part in the elections and to resolve outstanding issues by peaceful means only;

19. Strongly urges the international community, following the adoption by the General Assembly of resolution 48/1 on 8 October 1993, to respond generously and positively to the appeal by the people of South Africa for assistance in the economic reconstruction of their country and to ensure that the new South Africa begins its existence on a firm economic basis;

20. Supports the efforts of the Secretary-General, together with all the parties concerned, to implement effectively plans for the role of the United Nations in the election process in coordination with the observer missions of the Organization of African Unity, the Commonwealth, the European Union and observers from non-governmental organizations;

21. Urges the Government of South Africa, together with all parties, to create a fair and impartial judiciary and to rehabilitate, develop and train a new police force whose primary role would be to maintain law and order;

22. Calls upon the Centre for Human Rights to respond at the appropriate time, as guided by the Secretary-General, to the needs of the changing situation in South Africa during the period of transition, in accordance with General Assembly resolutions 47/116 A of 18 December 1992 and 48/159 A of 20 December 1993;

23. Calls for the definitive abolition of sections 29 and 50 of the Internal Security Act and other remaining repressive regulations such as the Public Safety Act of 1953 which are inconsistent with the new democratic society of South Africa;

24. Requests the Centre for Human Rights to place at the disposal of the new Government and the people of South Africa its experience in advisory services to assist in the preparation of a programme of technical cooperation in the field of human rights aimed at promoting respect for all human rights, overcoming the legacy of apartheid, raising the capacity of members of the

disadvantaged communities, with particular attention to women and children, and strengthening democratic institutions, especially through education, training and information;

25. Requests the bodies and agencies of the United Nations system to contribute to the preparation and implementation of a programme of technical cooperation in the field of human rights and social and economic development, including the programme of the International Labour Organisation, in order to change the labour laws so that they are in conformity with the international labour standards;

26. Requests the Ad Hoc Working Group of Experts to continue, in cooperation with the Special Committee against Apartheid and other investigatory and monitoring bodies, to examine the situation regarding the violations of human rights in South Africa including, in particular, reports of torture, ill-treatment and deaths of detainees, infringements of trade-union rights, as well as the situation of women and children;

27. Welcomes the invitation by the Government of South Africa to the Ad Hoc Working Group of Experts to visit South Africa later this year to gather information from individuals and organizations in order to ascertain the situation of human rights in South Africa;

28. Requests the South African authorities to guarantee free and confidential access to any individual and organization and to provide a firm undertaking that any person or organization providing evidence would be granted immunity from any State action;

29. Requests the Ad Hoc Working Group of Experts to submit a preliminary report to the General Assembly at its forty-ninth session and its final report to the Commission on Human Rights at its fifty-first session.

31st meeting
18 February 1994
[Adopted without a vote. See chap. V.]

1994/11. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms, namely, civil, political, economic, social and cultural rights,

Recalling also that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, Recalling further General Assembly resolution 32/130 of 16 December 1977,

Reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969 and the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Bearing in mind resolutions 1989/20 and 1989/21 of 31 August 1989, 1990/16 of 30 August 1990, 1991/27 of 29 August 1991, 1992/29 of 27 August 1992 and 1993/40 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

Having in mind the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children on 30 September 1990 (E/CN.4/1991/59, annex),

Having in mind also the considerations of the World Bank contained in the publication World Debt Tables 1991-1992 (vol. 1) of December 1991, relating to the external debt of developing countries,

Aware that the serious problem of foreign debt remains one of the most acute factors adversely affecting economic and social development and the living standards of the inhabitants in many developing countries, with serious effects of a social nature,

Concerned about the repercussions of structural adjustment programmes in the realization of economic, social and cultural rights,

Deeply concerned that the debt-service obligations remain high, that the factors determining the capacity to pay have not moved in consonance with the debt-service obligations of the majority of developing countries, and that the prospects for reducing the adverse effects of the debt burden on the development process in developing countries continue to be uncertain,

Noting with regret the negative effects of the policies adopted to face situations of external debt on the enjoyment of economic, social and cultural rights,

Stressing that measures for debt reduction also need to be accompanied by vigorous efforts to improve the international economic environment in order to facilitate the growth and development of developing countries,

Considering that the new strategies for solving the debt problem, of both official and private origin, require policies of economic adjustment accompanied by growth and development and that it is essential, within those policies, to give priority consideration in their implementation to human conditions, including standards of living, health, food, education and employment of the population, especially among the most vulnerable and low-income groups,

Taking into account the particular concern expressed by the General Assembly at the growing deterioration of living conditions in the developing world, at its negative effects on the full enjoyment of human rights, and especially at the very serious economic situation of the African continent and at the terrible effects of the heavy burden of external debt on the developing countries,

Recalling its resolutions 1989/15 of 2 March 1989, 1990/17 and 1990/18 of 23 February 1990, 1991/13 of 22 February 1991, 1992/9 of 21 February 1992 and 1993/12 of 26 February 1993,

1. *Stresses* the importance of alleviating the debt and debt-service burdens of developing countries with debt problems in the framework of the realization of economic, social and cultural rights;

2. *Also stresses* the need to implement additional debt-reduction measures, including further cancellation or reduction of part of the official debt or debt-service, and the adoption of more urgent actions with regard to the commercial debt owed by developing countries;

3. *Emphasizes* that, in addition to debt-relief measures that include debt and debt-service reduction, there is a need for new financial flows to debtor developing countries, and urges the creditor countries and the multilateral financial institutions to continue to extend concessional financial assistance in order to support the implementation by the developing countries of their economic reform programmes, so as to enable them to achieve adequate technological and productive progress and extricate themselves from the debt overhang and to assist them in achieving economic growth and development;

4. *Affirms* that debt payments should not take precedence over the basic rights of the people of debtor countries to food, shelter, clothing, employment, health services and a healthy environment;

5. *Requests* the Working Group on the Right to Development to pay particular attention in its deliberations to the social repercussions of the policies adopted to face situations of external debt on the effective enjoyment of economic, social and cultural rights;

6. *Requests* the Secretary-General to submit, in a process of high-level consultations with heads of State or Government, heads of the multilateral financial institutions and specialized agencies, as well as intergovernmental and non-governmental organizations, a report to the Commission on Human Rights at its fifty-first session on the adequate measures to be implemented in order to find a durable solution to the debt crisis of developing countries so that they may fully enjoy all human rights;

7. Decides to continue to consider, at its fifty-first session, the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development".

41st meeting
25 February 1994
[Adopted by a roll-call vote of 31 to 12,
with 8 abstentions. See chap. VII.]

1994/12. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that, in the Charter of the United Nations, the peoples of the United Nations have reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person,

Mindful that the Universal Declaration of Human Rights provides that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights,

Recalling that the elimination of widespread poverty, including its most persistent forms, and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

Deeply concerned by the fact that extreme poverty continues to spread throughout the countries of the world, regardless of their economic, social or cultural situation, and gravely affects the most vulnerable and disadvantaged individuals, families and groups, who are thus hindered in the exercise of their human rights and their fundamental freedoms, Recognizing, moreover, that respect for and promotion of all human rights are essential if all individuals are to participate freely and responsibly in the development of the society in which they live,

Welcoming the relevant paragraphs of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, emphasizing that the existence of extreme poverty inhibits the full and effective enjoyment of human rights and that its immediate alleviation and eventual elimination must be accorded high priority by the international community, and reaffirming that extreme poverty and social exclusion constitute a violation of human dignity and that urgent steps are necessary to achieve a better understanding of extreme poverty and its causes, including those related to the problems of development, in order to promote the human rights of the poorest, to put an end to extreme poverty and social exclusion and to promote the enjoyment of social progress,

Recalling its resolution 1990/15 of 23 February 1990, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to carry out a specific study of extreme poverty and social exclusion, its resolution 1991/14 of 22 February 1991, in which it recommended that the Sub-Commission should give attention more particularly to the conditions in which the poorest themselves can convey their experience and their thinking and so contribute to a better understanding of the harsh reality of their lives and its causes, and of its meaning for the international community, its resolution 1992/11 of 21 February 1992, and its resolution 1993/13 of 26 February 1993 approving the appointment of Mr. Leandro Despouy as Special Rapporteur on the question of human rights and extreme poverty,

Recalling also General Assembly resolution 47/134 of 18 December 1992, entitled "Human rights and extreme poverty", which reaffirms that extreme poverty and social exclusion constitute a violation of human dignity and emphasizes the need for complete and in-depth study of extreme poverty based on the experience and thoughts of the poorest,

Recalling decision 1991/6, entitled "Reaching the poorest", adopted by the Executive Board of the United Nations Children's Fund, in which it is emphasized that a more thorough knowledge of the situation of the poorest children and their families is needed, as well as decision 1993/8, entitled "UNICEF programmes for the urban poor", which underlines the importance and urgency of the problems that children living in urban areas meet with and the need to focus on innovative solutions recommended by the poorest themselves to cope with the situation,

Noting the provisions of the Convention on the Rights of the Child, which acknowledges that there are in all countries of the world children living in especially difficult conditions and that special attention should be granted to those children,

Noting also General Assembly resolution 44/82 of 8 December 1989, in which the Assembly proclaimed 1994 the International Year of the Family, Emphasizing furthermore the importance of the World Summit for Social Development, which will take place at Copenhagen in March 1995, for the discussion on poverty,

Mindful of the Secretary-General's reports on human rights and extreme poverty (E/CN.4/Sub.2/1991/38 and Add.1 and 2, and E/CN.4/Sub.2/1992/50),

Bearing in mind in this context the action already taken in the relevant forums to ensure the realization of economic, social and cultural rights,

1. Reaffirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. Also reaffirms that, in accordance with the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, it is essential for States to foster participation by the poorest people in the decision-making process in their communities, the promotion of human rights and efforts to combat extreme poverty;

3. Draws the attention of the General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

4. Encourages the Committee on Economic, Social and Cultural Rights to pay more attention in its work to the question of extreme poverty and exclusion from society;

5. Welcomes the fact that the Committee on the Rights of the Child, at its fourth session, gave attention to the situation of children living in extreme poverty and their families during its discussions on the economic exploitation of children and in its message on the occasion of the International Day for the Eradication of Poverty;

6. Encourages the Committee on the Rights of the Child to continue to take into account, in its discussions and work, the situation of children living in extreme poverty, with a view to promoting the enjoyment by all children of all rights recognized in the Convention on the Rights of the Child;

7. Recalls that, to ensure the protection of the rights of all individuals, non-discrimination as regards the poorest and the full exercise of all human rights and fundamental freedoms, a better understanding is needed of what peoples living in extreme poverty, including the very large number of women and children in this situation, endure and thought must be given to the subject, drawing on the experiences and ideas of the poorest themselves and of those committed to working alongside them;

8. Endorses Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1993/35 of 25 August 1993, taking note of the preliminary report of the Special Rapporteur on human rights and extreme poverty (E/CN.4/Sub.2/1993/16);

9. Approves the recommendations of the Special Rapporteur relating to the organization of a seminar on extreme poverty and denial of human rights, which will be held around 17 October 1994;

10. Invites the Special Rapporteur to continue to give special attention to the following aspects in preparing his reports:

(a) The effects of extreme poverty on the enjoyment and exercise of all human rights and fundamental freedoms of those affected by it;

(b) Efforts by the poorest themselves to exercise their rights and participate fully in the development of the society in which they live;

(c) Conditions in which the poorest can convey their experiences and ideas and become partners in the enjoyment of human rights;

(d) Means of promoting a better understanding of the experiences and ideas of the poorest and those committed to working alongside them;

11. Also invites the Special Rapporteur to give attention within the framework of his mandate to the interrelationship between the family, combating extreme poverty, and observance of the human rights of the poorest;

12. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the fulfilment of his mandate, particularly his consultations with United Nations bodies, Governments, specialized agencies, intergovernmental and non-governmental organizations, including as appropriate, assistance from those with experience of the subject;

13. Welcomes the events organized by the United Nations to celebrate the International Day for the Eradication of Poverty on 17 October, which, in conformity with the wishes expressed by the Commission on Human Rights in its resolution 1993/13, focused on the poorest and gave due attention to events already organized worldwide since 17 October 1987 on the theme "Rejection of extreme poverty";

14. Invites States, United Nations bodies and other intergovernmental and non-governmental organizations, to give due attention, in celebrating the International Day for the Eradication of Poverty, to the relationship between extreme poverty and human rights and to the situation of the poorest, who must be the focus of events;

15. Decides to examine this question at its fifty-first session under agenda item 7.

41st meeting
25 February 1994
[Adopted without a vote. See chap. VII.]

1994/13. Respect for the right of everyone to own property alone as well as in association with others

The Commission on Human Rights,

Recalling General Assembly resolution 45/98 of 14 December 1990,

Recalling also its resolutions 1991/19 of 1 March 1991 and 1992/21 of 28 February 1992 and Economic and Social Council decision 1991/236 of 31 May 1991, which established the mandate of an independent expert on the right to own property alone as well as in association with others,

Recalling especially its resolution 1993/21 of 4 March 1993, in which it decided to conclude its consideration of the right to own property at its fiftieth session,

Recognizing that there exist in the world many forms of property ownership,

Wishing to strengthen further within the framework of the United Nations the protection of the rights of women, in accordance with its resolution 1993/46 of 8 March 1993, by combating gender-based discrimination in the matter of the right to own property,

Taking note of the final report of the independent expert (E/CN.4/1994/19 and Add.1),

1. Welcomes the final report of the independent expert regarding the means whereby the right of everyone to own property alone as well as in association with others contributes to the exercise of fundamental freedoms;

2. Expresses its appreciation to the independent expert for his report, the continuation of his thoughtful analysis of the relevant issues and his conclusions that property ownership is an essential basis of the economic system of any given society and that intellectual property must also be protected;

3. Commends the efforts made by the independent expert to implement resolution 1993/46 by including in his report information on the failure in many parts of the world to protect the equal rights of women to own property;

4. Recommends that all relevant United Nations bodies take into consideration the recommendations of the independent expert;

5. Concludes its consideration of this matter.

41st meeting
25 February 1994
[Adopted without a vote. See chap. VII.]

1994/14. Promoting the realization of the right to adequate housing

The Commission on Human Rights,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1993/36 of 25 August 1993 on promoting the realization of the right to adequate housing,

Recalling its decision 1993/103 of 4 March 1993,

Welcoming the progress report of the Special Rapporteur on promoting the realization of the right to adequate housing (E/CN.4/Sub.2/1993/15),

1. Decides to extend the mandate of the Special Rapporteur by one year to bring the length of his mandate into accordance with the practices of the Sub-Commission and to enable him to explore fully the human rights implications arising from the right to adequate housing;

2. Invites the Special Rapporteur to submit a second progress report to the Sub-Commission at its forty-sixth session;

3. Requests the Secretary-General to provide the Special Rapporteur with all the necessary financial, technical and expert assistance required for the completion of his mandate;

4. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution I.]

41st meeting
25 February 1994
[Adopted without a vote. See chap. VII.]

1994/15. Status of the International Covenants on Human Rights

The Commission on Human Rights,

Recalling its resolution 1993/15 of 26 February 1993 and General Assembly resolution 48/119 of 20 December 1993,

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the heart of the International Bill of Human Rights,

Having considered the report of the Secretary-General on the status of the International Covenants on Human Rights (E/CN.4/1994/67),

Recalling the entry into force on 11 July 1991 of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, Welcoming the fact that recent ratifications of or accessions to the Covenants have increased the total number of States parties to each of them quite significantly, while noting at the same time that many States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Bearing in mind the successful conclusion of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and the adoption of the Vienna Declaration and Programme of Action (A/CONF.157/23), and taking into account in particular the call for strengthening and further implementation of the human rights instruments,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to do so, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in its article 41;

3. Invites the Secretary-General to intensify systematic efforts to encourage States to become parties to the Covenants and, through the programme of advisory services in the field of human rights, to provide such services as may be sought by States that are not parties to the Covenants, with a view to assisting them to ratify or accede to them and to the Optional Protocols to the International Covenant on Civil and Political Rights;

4. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

5. Encourages States to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law;

6. Also encourages States parties to review periodically any reservations made in respect of the provisions of the International Covenants on Human Rights with a view to withdrawing them;

7. Stresses to States parties the importance of avoiding the erosion of human rights by derogation, and underlines the necessity for strict observance of the agreed conditions and procedure for derogation under article 4 of the International Covenant on Civil and Political Rights and the need for States parties to provide full and timely information also during states of emergency, so that the justification and appropriateness of measures taken in these circumstances can be assessed;

8. Expresses its satisfaction with the serious and constructive manner in which the Human Rights Committee and the Committee on Economic, Social and Cultural Rights are undertaking their functions, and welcomes further efforts of the Committees to improve their methods of work as well as to pay due attention to equal enjoyment of human rights by women and men;

9. Welcomes the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights, and appeals to other bodies dealing with similar questions of human rights to respect these uniform standards as expressed in the general comments of the Human Rights Committee;

10. Also welcomes the efforts of the Committee on Economic, Social and Cultural Rights in the preparation of general comments on the provisions of the International Covenant on Economic, Social and Cultural Rights;

11. Urges States parties to fulfil in good time their reporting obligations under the International Covenants on Human Rights and in their reports to make use of gender-disaggregated data;

12. Also urges States parties to take duly into account, in implementing the provisions of the Covenants, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights;

13. Invites States parties to give particular attention to dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the summary records relating to the examination of those reports by the Committees and the observations made by the Committees at the conclusion of the consideration of the reports;

14. Encourages once again all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many languages as possible and to disseminate them as widely as possible in order to make them better known among the general public;

15. Requests the Secretary-General to consider ways and means of assisting States parties to the Covenants in the preparation of their reports, including seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports, and the exploration of other possibilities available under the regular programme of advisory services in the field of human rights;

16. Also requests the Secretary-General to provide the Human Rights Committee with additional means to deal effectively and in a timely manner with the increasing workload under the first Optional Protocol, as well as one additional week of meetings during 1994, as an extended session;

17. Further requests the Secretary-General to submit to the Commission on Human Rights, at its fifty-first session, a report on the status of the

International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations;

18. Decides to include in the provisional agenda of its fifty-first session the agenda item entitled "Status of the International Covenants on Human Rights".

41st meeting
25 February 1994
[Adopted without a vote. See chap. XV.]

1994/16. Succession of States in respect of international human rights treaties

The Commission on Human Rights,

Recalling its resolution 1993/23 of 5 March 1993,

Bearing in mind relevant decisions of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination on succession issues, in respect of international obligations in the field of human rights,

Taking note of the report of the Secretary-General (E/CN.4/1994/68) on action taken for the implementation of Commission on Human Rights resolution 1993/23,

Welcoming the recommendation of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, to encourage and facilitate the ratification of and accession or succession to international human rights treaties and protocols,

Emphasizing once again the special importance of the observance of universal norms and standards on human rights for the maintenance of stability and the rule of law in any State and noting in this connection the paramount responsibility of each State to promote, protect and secure the full realization of all human rights and fundamental freedoms,

Taking note of progress made in the confirmation by some successor States of their obligations under international human rights treaties,

1. Reiterates its call to successor States which have not yet done so to confirm to appropriate depositories that they continue to be bound by obligations under international human rights treaties;

2. Emphasizes the special nature of the human rights treaties aimed at the protection of human rights and fundamental freedoms;

3. Requests the human rights treaty bodies to consider further the continuing applicability of the respective international human rights treaties to successor States, with the aim of assisting them in meeting their obligations;

4. Requests the Secretary-General to encourage successor States to confirm their obligations under the international human rights treaties to which their predecessors were a party, as from the date of their independence;

5. Requests the Secretary-General to report to the Commission at its fifty-first session in regard to action taken under this agenda item;

6. Decides to continue the consideration of this question at its fifty-first session under the agenda item entitled "Status of the International Covenants on Human Rights".

41st meeting
25 February 1994
[Adopted without a vote. See chap. XV.]

1994/17. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various United Nations bodies,

Reiterating that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Concerned at the situation of migrant workers and members of their families and at the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, urges all States to guarantee the protection of the human rights of all migrant workers and their families, Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside,

Recalling General Assembly resolution 45/158 of 18 December 1990, by which the Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, contained in the annex to the resolution,

Recalling its resolution 1991/60 of 6 March 1991, in which it encouraged the Secretary-General to assume an active role in disseminating information on, and promoting, the Convention through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights and in cooperation with interested United Nations bodies,

Bearing in mind that the Vienna Declaration and Programme of Action invite all States to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Recalling that, in its resolution 1993/89 of 10 March 1993, the Commission requested the Secretary-General to submit to it at its fiftieth session a report on the status of the Convention,

1. Takes note of the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1994/62);

2. Welcomes the fact that some Member States have signed, ratified or acceded to the Convention;

3. Calls upon all Member States to sign and ratify or accede to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

4. Requests the Secretary-General to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights;

5. Invites organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6. Requests the Secretary-General to submit to the Commission at its fifty-first session a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers;

7. Decides to include in the provisional agenda for the fifty-first session of the Commission the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

41st meeting
25 February 1994
[Adopted by a roll-call vote of 39 to none,
with 13 abstentions. See chap. XIII.]

1994/18. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights,

Recalling that all States have pledged themselves to promote and encourage universal respect for and observance of all human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that these rights derive from the inherent dignity of the human person,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations,

Recalling General Assembly resolution 36/55 of 25 November 1981, by which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Taking note of General Assembly resolution 48/128 of 20 December 1993, in which the Assembly requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, in which the World Conference invited all States to put into practice the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain,

Emphasizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief,

Conscious of the importance of education in ensuring tolerance with respect to religion or belief, Alarmed that serious incidents of intolerance and discrimination on the grounds of religion or belief, including acts of violence, occur in many parts of the world, as evidenced in the report of the Special Rapporteur, Mr. Abdelfattah Amor (E/CN.4/1994/79),

Reaffirming the dismay and condemnation expressed by the World Conference on Human Rights at the continued occurrence of gross and systematic violations and situations, including religious intolerance, that constitute serious obstacles to the full enjoyment of all human rights,

Conscious that incidents of discrimination and intolerance carried out by persons or groups on the grounds of religion or belief continue to occur in many parts of the world,

Noting with concern that, in many parts of the world, acts of violence motivated by religious extremism in all its forms threaten the enjoyment of human rights and fundamental freedoms,

Believing that further efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. Expresses its thanks to the Special Rapporteur and takes note of his report and the various views expressed thereon during the fiftieth session of the Commission;

3. Notes with concern the continuing instances of hatred, intolerance and acts of violence, based upon intolerance of religion and belief and upon religious extremism, as identified by the Special Rapporteur, which threaten all human rights and fundamental freedoms;

4. Condemns all such acts, including those motivated by religious extremism in all its forms, as well as practices of discrimination against women;

5. Urges States to ensure that their constitutional and legal systems provide adequate guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there is intolerance or discrimination based on religion or belief;

6. Recognizes that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief;

7. Urges all States, therefore, to take all appropriate measures to combat hatred, intolerance and acts of violence, including those motivated by religious extremism, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief;

8. Also urges States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

9. Calls upon all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

10. Also calls upon all States in accordance with their national legislation to exert their utmost efforts to ensure that religious places, buildings and shrines are fully respected and protected;

11. Recognizes that the exercise of tolerance and non-discrimination by persons and groups is necessary for the full realization of the aims of the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief;

12. Reiterates its invitation to the Secretary-General to continue to give priority to the dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief in all the official languages of the United Nations and to take all appropriate measures to make the text available for use by United Nations information centres, as well as by other interested bodies;

13. Encourages the Special Rapporteur to continue to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend appropriate remedial measures;

14. Also encourages the Special Rapporteur to examine the contribution that education can make to the more effective promotion of religious tolerance;

15. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

16. Recommends that the promotion and protection of the right to freedom of thought, conscience and religion be given appropriate priority in the work of the United Nations programme of advisory services in the field of human rights;

17. Encourages the Special Rapporteur to consider whether the programme of advisory services in the field of human rights might be of assistance in certain situations, at the request of States, and to make appropriate recommendations in this regard;

18. Welcomes General Comment No. 22 (48) adopted by the Human Rights Committee on 20 July 1993 on article 18 of the International Covenant on Civil and Political Rights, dealing with freedom of thought, conscience and religion;

19. Endorses the view of the Human Rights Committee that the right to freedom of thought, conscience and religion is far-reaching and profound;

20. Emphasizes that, as underlined by the Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

21. Welcomes the efforts of non-governmental organizations to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and invites them to consider what further contribution they could make to its implementation and its dissemination;

22. Calls upon all States to consider disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in national and local languages;

23. Requests the Secretary-General to provide all necessary assistance and resources to the Special Rapporteur to enable him to carry out his mandate and to report to the Commission at its fifty-first session;

24. Also requests the Secretary-General to report to the Commission at its fifty-first session on measures taken to implement the present resolution;

25. Decides to continue its consideration of the question at its fifty-first session under the agenda item "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

42nd meeting
25 February 1994
[Adopted without a vote. See chap. XX.]

1994/19. Effective functioning of bodies established pursuant to United Nations human rights instruments

The Commission on Human Rights,

Recalling General Assembly resolution 48/120 of 20 December 1993 and its own resolution 1993/16 of 26 February 1993, as well as other relevant resolutions,

Reaffirming that the effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Recalling that the General Assembly, in its resolution 48/120, reaffirmed its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in that connection, further reaffirmed the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(b) Securing sufficient financial resources to overcome existing difficulties with their effective functioning;

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Expressing concern about the continuing and increasing backlog of reports on implementation by States parties to United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Expressing concern also about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations instruments on human rights,

Recalling the conclusions and recommendations of the four meetings of persons chairing the human rights treaty bodies held since 1988 and the endorsement by the General Assembly in its resolution 46/111 of 17 December 1991 and the Commission on Human Rights in its resolution 1992/15 of 21 February 1992 of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures,

Taking particular note of the conclusions and recommendations of the third and fourth meetings of persons chairing the human rights treaty bodies, held at Geneva from 1 to 5 October 1990 and 12 to 16 October 1992, respectively (see A/45/636, annex and A/47/628, annex),

Noting the meeting, in the framework of the World Conference on Human Rights, of persons chairing treaty bodies with those persons chairing each of the principal regional and other human rights bodies,

Noting with satisfaction the interim report (A/CONF.157/PC/62/Add.11/Rev.1) by the independent expert on possible long-term approaches to enhancing the effective operation of the treaty system and the request of the General Assembly that the Commission on Human Rights review the proposals contained in the independent expert's final report with a view to recommending further action, Recalling that the General Assembly, in its resolution 45/85 of 14 December 1990, endorsed the recommendations of the Task Force on Computerization (see E/CN.4/1990/39, annex) with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of reports by treaty bodies and requested the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of treaty bodies,

Taking note of the relevant paragraphs of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights,

1. Urges States parties to notify the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of their acceptance of the amendments approved by States parties and the General Assembly for the purpose of funding the respective committees from the regular budget;

2. Calls upon all States parties to fulfil without delay and in full their outstanding financial obligations under the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. Welcomes the report of the Secretary-General on the implementation of the conclusions and recommendations of the fourth meeting of persons chairing the human rights treaty bodies (A/48/508) and the Vienna Statement of the International Human Rights Treaty Bodies (A/CONF.157/TBB/4 and Add.1) adopted at the meeting, held in the framework of the World Conference on Human Rights, of the chairpersons of treaty bodies with those persons chairing each of the principal regional and other human rights bodies;

4. Requests the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies;

5. Requests the Secretary-General to give priority to expediting the implementation of the recommendations of the Task Force on Computerization as soon as possible by requesting the States Members of the United Nations, in particular States which are parties to various human rights instruments, to make generous voluntary contributions to cover the initial one-time cost of the proposed system;

6. Again urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures, as well as enhancing coordination and information flow between the treaty bodies and with other relevant United Nations bodies, including specialized agencies;

7. Urges the treaty bodies to examine ways of reducing the duplication of reporting required under the different instruments and of generally reducing the reporting burden on Member States, including through:

(a) Identifying where cross-referencing can be used in report writing;

(b) Recommending designating specific national administrative units to coordinate reports to all treaty bodies;

(c) Establishing coordination between the treaty bodies and the International Labour Organisation to identify overlap between respective instruments and conventions;

(d) Considering the utility of single comprehensive reports and of replacing periodic reports with specifically tailored reports and thematic reports;

8. Welcomes the emphasis placed by the meeting of persons chairing the human rights treaty bodies on the importance of technical assistance and advisory services and, further to this end:

(a) Reiterates its request that the Secretary-General report regularly to the Commission on possible technical assistance projects identified by the treaty bodies;

(b) Invites the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of States parties;

(c) Invites States parties which have been unable to comply with the requirement to submit their initial report to avail themselves of technical assistance;

9. Urges States parties to address, as a matter of priority, at their next scheduled meetings, the issue of States parties consistently not complying with their reporting obligations;

10. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

11. Recommends that the reporting guidelines adopted by the treaty bodies be amended to identify gender-specific information to be addressed by States parties in their reports;

12. Invites the persons chairing the human rights treaty bodies at their next meeting to consider means of ensuring information exchange and cooperation among the treaty bodies regarding their practice relating to the human rights of women;

13. Endorses the recommendations of the meeting of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in regard to the various treaty bodies;

(b) Requests that the Secretary-General report on this question to the Commission at its fifty-first session and to the General Assembly at its forty-ninth session;

14. Requests the Secretary-General to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making;

15. Also requests the Secretary-General to ensure that recent reports of States parties to treaty-monitoring bodies and the summary records of committee discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, are made available in the United Nations information centres in the countries submitting those reports;

16. Further requests the Secretary-General to ensure that the United Nations Manual on Human Rights Reporting is available in all official languages at the earliest opportunity and that due regard is paid to the recommendations concerning the Manual made by the fourth meeting of the persons chairing the human rights treaty bodies (A/47/628, annex, para. 59);

17. Decides to consider the question on a priority basis at its fifty-first session under the agenda item entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".

42nd meeting
25 February 1995
[Adopted without a vote. See chap. XVI.]

1994/20. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter of the United Nations their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, and have determined to promote social progress and better standards of living in larger freedom, Mindful that the Universal Declaration of Human Rights provides that all persons are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Convinced that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, which has underlined the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Recognizing that, in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights, Member States, individually and through international cooperation, should intensify their efforts to secure an adequate standard of living for all people, giving priority to those living in extreme poverty,

Recalling the essential importance of national efforts and international solidarity and cooperation based on free consent to the realization of the right of all persons to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to a continuous improvement in living conditions,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, including the rights of the most vulnerable and disadvantaged,

Welcoming the decision taken by the General Assembly, in its resolution 47/92 of 16 December 1992, to convene a World Summit for Social Development, to take place at Copenhagen in 1995, which will have among its objectives to put the needs of people at the centre of development and of international cooperation and to identify common problems of socially marginalized and disadvantaged groups and promote their integration into society,

Emphasizing the importance of the Limburg Principles on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1987/17),

Recognizing that popular participation in its various forms is an important factor in development and in the full realization of all human rights, Reaffirming the importance of increasing public awareness of the Committee on Economic, Social and Cultural Rights and the role that non-governmental organizations can play in that regard,

Recalling that the World Conference on Human Rights encouraged the Commission on Human Rights, in cooperation with the Committee on Economic, Social and Cultural Rights, to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights,

Welcoming the efforts made with a view to an intensive study of the International Covenant on Economic, Social and Cultural Rights, and recognizing the urgent need for an effective multidisciplinary approach to the promotion and protection of the rights contained in the Covenant,

Recalling its resolution 1993/14 of 26 February 1993,

1. Affirms that the full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights is inextricably linked with the process of development, the central purpose of which is the realization of the potentialities of the human person in harmony with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as fair distribution of the benefits of development;

2. Welcomes the important work of the Committee on Economic, Social and Cultural Rights in its continuing efforts to give impetus to the implementation process and to develop greater in-depth understanding of the relevant issues within the framework of the International Covenant on Economic, Social and Cultural Rights by holding general discussions on specific rights or articles and by adopting general comments;

3. Takes note with interest of the Committee's decision to hold in 1994 two general discussions, on the role of social safety nets as a means of protecting economic, social and cultural rights, with particular reference to situations involving major structural adjustment and/or transition to a free market economy, and on human rights education and public information activities;

4. Encourages States parties to continue to give their full support and cooperation to the Committee and to use their reporting obligation as a process to assist the realization of economic, social and cultural rights, ensuring popular participation in the national consideration of their periodic reports, as well as the widest possible distribution of those reports at the national level;

5. Urges all States parties to submit their reports in a regular and timely manner, as recommended in the Vienna Statement of the International Human Rights Treaty Bodies, adopted during the World Conference on Human Rights (A/CONF.157/TBB/4 and Add.1);

6. Takes note of the steps taken by the Committee on Economic, Social and Cultural Rights for the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights granting the

right of individuals or groups to submit communications concerning non-compliance with the Covenant, and invites the Committee to report thereon to the Commission on Human Rights at its fifty-first session;

7. Recognizes the importance of using indicators as a means of measuring or assessing progress in the realization of human rights, as referred to in the Vienna Declaration and Programme of Action;

8. Notes the conclusions and recommendations of the seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights, held at Geneva in January 1993;

9. Recommends that, as a follow-up to the seminar on indicators, the Centre for Human Rights convene expert seminars for chairpersons of the human rights treaty monitoring bodies and representatives of specialized agencies and non-governmental organizations, as well as representatives of States, focused on specific economic, social and cultural rights, with a view to clarifying the particular content of these rights;

10. Invites Member States, when including measures to ensure the promotion and protection of human rights in national legislation, policies and development programmes, to consider the desirability of drawing up a national action plan identifying steps to improve the situation of human rights, as well as to seek the participation of communities affected by the non-realization of these rights;

11. Invites States parties to the International Covenant on Economic, Social and Cultural Rights, in the light of its article 2 and of General Comment No. 3 (1990) adopted by the Committee on Economic, Social and Cultural Rights (E/1991/23, annex III), to identify specific national benchmarks designed to give effect to the minimum core obligation to ensure the satisfaction of the minimum essential levels of each of the rights;

12. Reaffirms the importance of ensuring the study of specific economic, social and cultural rights, and in this framework recognizes the interest of the progress report on the right to adequate housing, submitted by Mr. Rajindar Sachar, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to the Sub-Commission at its forty-fifth session (E/CN.4/Sub.2/1993/15);

13. Endorses the decision of the Sub-Commission, contained in its resolution 1993/40 of 26 August 1993, to entrust Mr. Asbjørn Eide with the task of producing a preparatory document on the relationship between the enjoyment of human rights, particularly economic, social and cultural rights, and income distribution, and encourages the Sub-Commission to continue to give attention to this issue;

14. Takes note with deep appreciation of the reports on the realization of economic, social and cultural rights submitted by the Special Rapporteur of the Sub-Commission, Mr. Danilo Türk, and reaffirms its requests to the Secretary-General to ensure the publication of the study of the Special Rapporteur in a single document;

15. *Welcomes* the suggestion made by the Special Rapporteur that cooperation between the financial institutions and the human rights organs of the United Nations be strengthened, in particular by encouraging the participation of the representatives of those institutions in the meetings of the human rights organs;

16. *Also welcomes* the dialogue which has been established between human rights bodies, in particular the Centre for Human Rights as a coordinating focal point, and other bodies of the United Nations system, including the international financial institutions, and encourages these bodies to increase their participation in the meetings of human rights bodies, including the treaty monitoring bodies;

17. *Requests* the Secretary-General to invite the international financial institutions to continue considering the possibility of organizing an expert seminar on the role of these institutions in the realization of economic, social and cultural rights;

18. *Also requests* the Secretary-General to continue to promote coordination of the human rights activities of the United Nations and those of development agencies with a view to drawing upon their relevant expertise and support;

19. *Encourages* the Centre for Human Rights to make available, through its programme of advisory services and technical assistance, expert assistance to States for the purpose of formulating policies on economic, social and cultural rights, and developing the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights, as well as developing adequate means for evaluating and monitoring their realization;

20. *Decides* to consider issues raised by the present resolution at its fifty-first session under the appropriate agenda item.

46th meeting
1 March 1994
[Adopted by a roll-call vote of 52 to none,
with 1 abstention. See chap. VII.]

1994/21. *The right to development*

The Commission on Human Rights,

Guided by the purposes and principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming the commitment contained in Article 56 of the Charter of the United Nations to take joint and separate action in cooperation with the United Nations for the achievement of the purposes set forth in Article 55 of the Charter, Reaffirming also the principles contained in the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Underlining that the right to development as a universal and inalienable right and an integral part of fundamental human rights was reaffirmed by the Vienna Declaration and Programme of Action (A/CONF.157/23) and that the human person is the central subject of development,

Reiterating that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner and on the same footing, and the universality, objectivity, impartiality and non-selectivity of the consideration of human rights issues must be ensured,

Fully aware of the consensus agreements on "A new partnership for development: the Cartagena Commitment" and "A new global partnership for sustainable development" contained, respectively, in the Proceedings of the United Nations Conference on Trade and Development, eighth session, Cartagena de Indias, Colombia, 8-25 February 1992 (United Nations publication, Sales No. E.93.II.D.5) and the Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (United Nations publication, Sales No. E.93.I.8 and corrigenda),

Recalling General Assembly resolution 48/130 of 20 December 1993 and its own resolution 1993/22 of 4 March 1993 concerning, inter alia, the establishment of the Working Group on the Right to Development,

Reaffirming the need for an evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development,

Convinced of the valuable contribution a widespread campaign to disseminate the provisions of the Declaration on the Right to Development can provide towards the implementation and realization of the Declaration,

Bearing in mind that Governments which have nominated experts as members of the Working Group on the Right to Development may also nominate alternate experts to the Group,

Underlining that the mandate of the High Commissioner for Human Rights includes the promotion and protection of the realization of the right to development and the enhancement of support from relevant bodies of the United Nations system for this purpose,

Having considered the report of the Working Group on the Right to Development on its first session (E/CN.4/1994/21 and Corr.1),

1. Takes note with appreciation of the report of the Working Group on the Right to Development on its first session;

2. Welcomes the efforts made by the Working Group, which are increasingly oriented towards the establishment of a permanent evaluation mechanism in the future, to follow up the implementation of the Declaration on the Right to Development;

3. Reiterates its request to the Secretary-General to ensure that the Working Group is granted all the necessary assistance, in particular human and financial resources, to carry out its mandate;

4. Urges the Secretary-General to take the necessary measures in order to achieve wide and effective dissemination of the provisions of the Declaration on the Right to Development;

5. Welcomes the recommendations of the Working Group on the Right to Development and, in this respect, requests the Secretary-General to:

(a) Invite Governments, international financial institutions, the regional economic commissions, the Commission on Social Development and the Commission on the Status of Women, as well as the relevant bodies and organizations of the United Nations system, including the Department of Humanitarian Affairs, and non-governmental organizations to provide the Working Group with the necessary additional information, taking into account, inter alia, the preliminary guidelines and the check-list contained in annex 1 to the report of the Working Group;

(b) Provide the Centre for Human Rights with a focal unit specially designed to follow up on the Declaration and its implementation, which would collate and analyse information and replies from Member States, intergovernmental and non-governmental organizations, present the results of the work on the right to development to regional or international meetings, including those of all United Nations agencies and international financial institutions with development mandate, and perform such tasks as are assigned to it by the Working Group;

6. Urges the Working Group to make recommendations on the implementation of the right to development, taking into account policies at the national and international levels, particularly towards the creation of a favourable international economic climate which would be more responsive to the needs of the developing countries, as well as to give priority to the special needs of the least developed countries;

7. Requests the Secretary-General to convene a joint consultative meeting of the members of the Working Group and the Chairpersons of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, other relevant treaty bodies and the Sub-Commission on Prevention of Discrimination and Protection of Minorities so as to enable them to discuss and enrich their experience in matters of evaluation, criteria of performance and monitoring;

8. Decides that the Executive Secretaries of the regional economic commissions and the heads of the international financial institutions should be invited to participate actively in the future sessions of the Working Group so that they can contribute substantially to its work;

9. Recommends that consideration be given to inscribing the question of the right to development on the agenda of forthcoming conferences convened by the United Nations, including in particular the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women: Action for Equality, Development and Peace and the substantive session of the Commission on Sustainable Development;

10. Also recommends that the Assistant Secretary-General for Human Rights suggest that the members of the Administrative Committee on Coordination at their forthcoming regular meeting incorporate the right to development as a major component of the programmes and activities of the Committee;

11. Decides that the Working Group will hold two sessions, each for a two-week period, in May and October 1994 to continue to carry out the mandate of the Group;

12. Recommends to Governments which have nominated experts as members of the Working Group also to nominate alternate experts to the Working Group, if they so wish;

13. Requests the Economic and Social Council at its substantive session for 1994 and the General Assembly at its forty-ninth session, under the agenda item "Human rights questions", to continue to consider the question of the implementation of the provisions contained in the Declaration on the Right to Development;

14. Requests the High Commissioner for Human Rights to promote the implementation of the right to development and the Declaration on the Right to Development, inter alia by working closely with the Working Group on the Right to Development;

15. Urges the High Commissioner for Human Rights to make recommendations towards enhancing the support from relevant bodies of the United Nations system in fulfilment of his mandate to promote and protect the realization of the right to development;

16. Requests the Working Group to submit to the Commission at its fifty-first session a report on the progress of its work during 1994;

17. Requests the Secretary-General to submit to the Commission at its fifty-first session a report on the implementation of the present resolution;

18. Decides to consider at its fifty-first session the agenda item entitled "Question of the realization of the right to development".

46th meeting
1 March 1994

[Adopted by a roll-call vote of 42 to 3,
with 8 abstentions. See chap. VIII.]

1994/22. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, by which the Assembly adopted without a vote the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and taking note of General Assembly resolution 48/138 of 20 December 1993,

Aware of the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Conscious of the need to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration,

Recalling its resolution 1993/24 of 5 March 1993 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Noting resolutions 1993/42 and 1993/43 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 26 August 1993,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities, by, inter alia, taking due account of and giving effect to the Declaration,

Noting the report of the Secretary-General on the implementation of Commission resolution 1993/24 (E/CN.4/1994/72 and Corr.1 and 2),

Noting with appreciation the final report (E/CN.4/Sub.2/1993/34 and Add.1-4) of the Special Rapporteur of the Sub-Commission, Mr. Asbjørn Eide,

Concerned about the growing frequency and severity of disputes and conflicts concerning minorities in many countries and their often tragic consequences,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities, Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole in the State where such persons live,

Mindful of the recommendations contained in part II, paragraphs 25 to 27 of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights,

1. Takes note with appreciation of the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Asbjørn Eide, on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities;

2. Urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. Calls upon States which so wish to consider concluding bilateral and multilateral arrangements or agreements in order to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as appropriate;

4. Urges relevant treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to give due regard, within their respective mandates, to the Declaration;

5. Calls upon the High Commissioner for Human Rights to give due regard, within his mandate, to the Declaration;

6. Urges the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue to give due regard, within its mandate, to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, and endorses the decision to entrust Mr. Asbjørn Eide, without financial implications, with preparing a working paper containing suggestions on the feasibility and usefulness of the preparation of a more comprehensive programme for the prevention of discrimination and protection of minorities;

7. Encourages intergovernmental and non-governmental organizations to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

8. Calls upon the Secretary-General to make available, at the request of Governments concerned, as part of the programme of advisory services and technical assistance of the Centre for Human Rights, qualified expertise on minority issues, human rights, and dispute management, resolution and prevention, and to assist in existing or potential situations involving minorities;

9. Requests the Secretary-General, in the implementation of the present resolution, to provide human and financial resources for such advisory services and technical assistance of the Centre for Human Rights, within existing resources;

10. Calls upon States and the Secretary-General respectively to give due regard to the Declaration in training programmes for officials;

11. Invites the Secretary-General to continue the dissemination of information on the Declaration and the promotion of understanding thereof;

12. Requests the Secretary-General to seek views and information from Governments, the specialized agencies, relevant United Nations organs and bodies, regional intergovernmental organizations and bodies and non-governmental organizations and experts in all regions on issues relating to the promotion and implementation of the Declaration and to consider, if necessary, requesting the assistance of an expert or experts and/or other forms of expertise, within the framework of the existing human rights mechanisms, with a view to presenting an analytical report at its next session;

13. Decides to continue consideration of this issue and to consider the analytical report at its fifty-first session under the same agenda item.

46th meeting
1 March 1994
[Adopted without a vote. See chap. XVIII.]

1994/23. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Taking note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fifth session (E/CN.4/1994/2),

Expressing its appreciation for the positive contribution made by the Sub-Commission to the promotion and protection of human rights,

Recalling the terms of reference of the Sub-Commission as defined by the Commission and its particular responsibilities established, inter alia, in Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970, and the relevant resolutions of the General Assembly,

Recalling also its resolution 1992/66 of 4 March 1992, in which it provided certain guidelines for the work of the Sub-Commission, and Economic and Social Council resolution 1991/32 of 31 May 1991 on strengthening the independence of the experts members of the Sub-Commission, _Noting_ that the Sub-Commission has already elaborated guidelines for its work,

Noting also that the Sub-Commission decided, in its resolution 1993/4 of 20 August 1993, to convene, during its forty-sixth session and in pursuance of the invitation contained in Commission resolution 1993/28 of 5 March 1993, a sessional working group to continue the study of its methods of work,

Taking note of the report of the Chairman of the Sub-Commission at its forty-fifth session (E/CN.4/1994/70) and the proposals contained therein,

Noting with appreciation the dialogue and the spirit of cooperation between the Commission and the Sub-Commission, as reflected in the mutual exchange of information by their respective chairpersons, in accordance with paragraphs 17 and 18 of Commission resolution 1990/64 of 7 March 1990,

Convinced of the need for a further strengthening of substantial and meaningful dialogue between the Commission and the Sub-Commission,

Also convinced that it is essential that the impartiality and the objectivity of the Sub-Commission and the independent status of its members and their alternates should continue to be its guiding principles,

Further convinced that the credibility and effectiveness of the Sub-Commission as an expert human rights body are dependent on Governments nominating and the Commission electing as members and alternates of the Sub-Commission only individuals who possess genuine expertise in the field of human rights and who are able to act independently of their Governments,

Stressing the valuable role that the Sub-Commission, as a body of independent experts, can play, _inter alia_, in addressing new developments in the field of human rights and also in providing a forum for the contributions of non-governmental organizations in the field of new developments,

Mindful of the important contribution in general that non-governmental organizations in consultative status with the Economic and Social Council can make to the work of the Sub-Commission, in conformity with the principles embodied in Council resolutions 1296 (XLIV) of 23 May 1968 and 1919 (LVIII) of 5 May 1975,

Convinced that it is highly appropriate for the Commission to give considered attention to the work of the Sub-Commission and thereby maintain the effectiveness of both bodies in their respective roles,

Recalling the continuing importance for the Commission to give guidance to the Sub-Commission, and for the Sub-Commission to follow that guidance, in the light of the mandate already granted to it, in order to ensure the complementarity of its activities with those of the Commission,

1. _Reaffirms_ that the Sub-Commission on Prevention of Discrimination and Protection of Minorities can best assist the Commission on Human Rights by providing it with recommendations based on the different views and

perspectives of independent experts, which should be appropriately reflected in the report of the Sub-Commission, as well as in the expert studies carried out under its auspices;

2. Calls upon the Sub-Commission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council;

3. Welcomes Sub-Commission resolution 1992/8 of 26 August 1992 and the guidelines annexed thereto;

4. Requests the Sub-Commission to implement fully those guidelines;

5. Also requests the Sub-Commission to pay attention to the guidelines concerning the number of studies and to establish priorities relating to its work so as to avoid requesting the Commission's approval of more studies and similar activities than provided for in the guidelines;

6. Further requests the Sub-Commission to restrict its requests to the Secretary-General to ask Governments, intergovernmental organizations, the specialized agencies and other such bodies for their views and comments on requests relating to those studies that have received prior explicit approval from the Commission;

7. Reiterates its invitation to the Sub-Commission to continue, in particular in the forthcoming sessional working group to be convened pursuant to Sub-Commission resolution 1993/4 of 20 August 1993, its consideration of ways in which its work should be improved, with a view to making recommendations, in particular on the following points:

(a) Initiatives for better coordination with the Commission;

(b) Proposals concerning the rationalization of the agenda, bearing in mind, *inter alia*, the relationship between the agenda of the Sub-Commission and that of the Commission;

(c) Initiatives which would facilitate the widest possible dissemination of the findings of the Sub-Commission, such as the preparation of a short summary of each completed study, the purpose being that the summaries of all studies completed during a session should be published separately in various languages, for example in the Fact Sheet series of the Centre for Human Rights, thus contributing to better publicity for the studies;

8. Reaffirms that one of the tasks of the Sub-Commission is a thorough examination of information concerning alleged human rights violations, as well as the presentation of the results of the examination to the Commission;

9. Invites the Sub-Commission to continue to give due regard to new developments in the field of human rights;

10. Notes the initiative of the Sub-Commission to request information about emergency situations and welcomes this as a new development which should be applied in appropriate circumstances relating to human rights and to which Governments should give a prompt and appropriate response;

11. Calls upon States to nominate as members and alternates persons meeting the criteria of independent experts, who should discharge in that capacity their functions as members of the Sub-Commission, and to respect fully the independence of elected members and alternates;

12. Requests the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents are available in all languages in good time before the session;

13. Invites the Chairman of the Commission to inform the Sub-Commission on the debate under this item;

14. Decides to invite the Chairman of the Sub-Commission at its forty-fifth session to come for consultations with the members of the Bureau of the Commission at an appropriate time during the meeting of the Bureau of the Commission at the conclusion of its fiftieth session and the Chairman of the Sub-Commission at its forty-sixth session to report to the Commission at its fifty-first session on the progress made concerning the issues referred to in the present resolution and on significant aspects of the work of the Sub-Commission.

55th meeting
4 March 1994
[Adopted without a vote. See chap. XVII.]

1994/24. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

The Commission on Human Rights,

Recalling article 4 of the Universal Declaration of Human Rights and article 8 of the International Covenant on Civil and Political Rights, which state that no one shall be held in slavery or servitude,

Affirming that the struggle to eliminate slavery includes the provision of assistance to the victims and to the representatives of non-governmental organizations dealing with issues of contemporary forms of slavery,

Bearing in mind General Assembly resolution 46/122 of 17 December 1991, in which the Assembly decided to establish a voluntary trust fund on contemporary forms of slavery,

Convinced that the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery will play an important role in the protection of the human rights of victims of contemporary forms of slavery,

1. Welcomes the appointment by the Secretary-General of a Board of Trustees of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, in accordance with General Assembly resolution 46/122 of 17 December 1991;

2. Expresses its grave concern at the present financial situation of the Fund due to a lack of contributions;

3. Appeals again to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis;

4. Requests the Secretary-General to continue to transmit to all Governments the appeal of the Commission on Human Rights for contributions to the Fund;

5. Repeats its request to the Secretary-General to make use of all existing possibilities to assist the Board of Trustees of the Fund, inter alia through the preparation, production and dissemination of information material, in its efforts to make the Fund and its humanitarian work better known.

55th meeting
4 March 1994
[Adopted without a vote. See chap. XVII.]

1994/25. Report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling the provisions of the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, as well as article 4 of the Universal Declaration of Human Rights and article 8 of the International Covenant on Civil and Political Rights, which state that no one shall be held in slavery or servitude,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its eighteenth session (E/CN.4/Sub.2/1993/30), submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fifth session,

Recalling its resolution 1982/20 of 10 March 1982 on the question of slavery and the slave trade in all their practices and manifestations and its resolutions on the reports of the Working Group on Contemporary Forms of Slavery of the Sub-Commission, including the most recent, resolution 1993/27 of 5 March 1993, Recalling its encouragement of the Sub-Commission, including its Working Group, to continue to elaborate recommendations on the ways and means of establishing an effective mechanism for the implementation of the Conventions on slavery on the basis of the study prepared by the Secretary-General on this issue (E/CN.4/Sub.2/1989/37),

Having considered the relevant resolutions of the Sub-Commission, including the most recent, resolutions 1993/5 and 1993/7 of 20 August 1993,

Noting the recommendation of the Sub-Commission, contained in its resolution 1993/7, that the Commission create for a period of three years a working group on contemporary forms of slavery, composed of five independent experts with relevant experience in the field of human rights and contemporary forms of slavery in particular, with the task of monitoring the application of the Conventions on slavery through the examination of the information it receives,

Considering that the Sub-Commission, in its resolution 1993/7, did not elaborate on the issue of whether a new working group on contemporary forms of slavery under the auspices of the Commission would prove an effective mechanism for the implementation of the Conventions on slavery,

Considering also that the desirability of establishing such a working group must be assessed, inter alia, in the light of the current mandate of the existing Working Group on Contemporary Forms of Slavery, of the need for avoiding duplication of effort and of other possible options for establishing an effective mechanism for the implementation of the Conventions on slavery,

Recalling Economic and Social Council resolution 1993/48 of 28 July 1993 and its earlier resolutions on the subject,

Taking note of the information on the state of implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography submitted by States, specialized agencies and non-governmental organizations contained in the report of the Working Group submitted pursuant to paragraph 6 of Sub-Commission resolution 1992/2 of 14 August 1992 and transmitted to the Commission (E/CN.4/Sub.2/1993/31 and Add.1),

Taking note also of the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others contained in the report of the Secretary-General (E/CN.4/1994/71 and Add.1),

Recalling that the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, calls for eliminating the exploitation of and trafficking in women and combating the exploitation and abuse of children,

Gravely concerned that slavery, the slave trade, slavery-like practices and even modern manifestations of this phenomenon still exist, representing some of the gravest violations of human rights,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for its valuable work, in particular the progress made at its eighteenth session in implementing its programme of work, and for its flexible methods of work;

2. Expresses its grave concern at manifestations of contemporary forms of slavery as reported to the Working Group;

3. Invites the Sub-Commission at its forty-sixth session to clarify its position on the Working Group on Contemporary Forms of Slavery and to review its resolution 1993/7 of 20 August 1993 in the light of the current mandate of the existing Working Group, of the need for avoiding duplication of effort, and of other possible options for establishing an effective mechanism for the implementation of the Conventions on slavery, taking into account the observations contained in the study prepared by the Secretary-General on this issue (E/CN.4/Sub.2/1989/37) and also taking into account any observations the Working Group may have;

4. Also invites the Sub-Commission to submit to the Commission at its fifty-first session its recommendation(s) for establishing an effective mechanism for the implementation of the Conventions on slavery in order to enable the Commission to take a well-considered decision on the matter;

5. Further invites the Sub-Commission to consider strengthening its involvement in the activities of the existing Working Group on Contemporary Forms of Slavery as an alternative to establishing a new mechanism for the implementation of the Conventions on slavery;

6. Recommends that the Sub-Commission consider the possibility of giving guidelines to the Working Group for setting priorities in the field of its activities;

7. Requests the Secretary-General to invite States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit to the Working Group regular reports on the situation in their countries, as provided for under the Conventions;

8. Invites those eligible States that have not ratified or acceded to the relevant Conventions to consider doing so as soon as possible or to explain in writing, if they so wish, why they feel unable to do so, and invites them to consider providing information regarding their national legislation and practices in this field;

9. Invites intergovernmental organizations, relevant organizations of the United Nations system, including the United Nations Children's Fund, the United Nations Development Programme, the United Nations University, the International Labour Organisation, the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the World Bank, the International

Monetary Fund and the World Tourism Organization, as well as the International Criminal Police Organization and non-governmental organizations concerned, to supply relevant information to the Working Group;

10. Appeals to all Governments to send representatives to the sessions of the Working Group;

11. Calls upon all relevant non-governmental organizations, including those interested in the rights of children and women, to attend the sessions of the Working Group;

12. Recommends that Governments avail themselves of the possibility of requesting assistance under the United Nations programme of advisory services in the field of human rights and of the technical assistance programmes of the specialized agencies, in particular that of the International Labour Office;

13. Also recommends that the supervisory bodies of the International Labour Organisation give particular attention in their work to the implementation of provisions and standards designed to ensure the protection of children and other persons exposed to contemporary forms of slavery;

14. Invites all Member States to consider the possibility of taking appropriate action for the protection of particularly vulnerable groups, such as children and migrant women, against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve this objective;

15. Encourages all Governments to consider, in the context of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, the creation of programmes aimed at the social rehabilitation of all persons involved in prostitution, and of children in particular;

16. Invites the Special Rapporteur on the sale of children to continue to provide the Working Group on Contemporary Forms of Slavery with his valuable assistance;

17. Requests the Secretary-General to continue to seek the views of States concerning the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others;

18. Requests Governments to pursue a policy of information, prevention and rehabilitation of children and women victims of the exploitation of prostitution and to take the appropriate economic and social measures deemed necessary to that effect;

19. Recalls that the Economic and Social Council, in its resolution 1993/48 of 28 July 1993, requested the Secretary-General to submit a further report to the Council on the steps taken by Member States, organizations of the United Nations system and intergovernmental organizations to implement the recommendations contained in Council resolution 1983/30 of 26 May 1983, and invites the Working Group to take these reports into account, *inter alia*, when identifying lacunae and policy options;

20. Recalls once again its request to the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations system for the suppression of contemporary forms of slavery;

21. Welcomes the decision of the Secretary-General to reassign to the Working Group a Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre on issues relating to contemporary forms of slavery.

55th meeting
4 March 1994
[Adopted without a vote. See chap. XVII.]

1994/26. International Decade of the World's Indigenous People

The Commission on Human Rights,

Guided by the purposes and principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Bearing in mind that one of the purposes of the United Nations, as set forth in its Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 42/171 of 11 December 1987 and Economic and Social Council resolution 1988/63 of 27 July 1988 and its annex, related to guidelines for international decades,

Recalling also General Assembly resolution 45/164 of 18 December 1990, in which the Assembly proclaimed 1993 as the International Year of the World's Indigenous People, with a view to strengthening international cooperation for the solution of problems faced by indigenous people in the areas, inter alia, of human rights, the environment, development, education and health,

Acknowledging the significance of the International Year in raising international awareness of the contribution of, and problems faced by, indigenous people throughout the world, and aware of the need to build on the results and lessons of the International Year,

Recognizing the importance of consulting and cooperating with indigenous people, the need for financial support from the international community, including support from within the United Nations and the specialized agencies, the need for a strategic planning framework and the need for adequate coordination and communication channels, Expressing its appreciation of the work undertaken by the Coordinator of the Year, the Centre for Human Rights, the International Labour Organisation, the Goodwill Ambassador, Ms. Rigoberta Menchú, and the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing the value and the diversity of the cultures and the forms of social organization of the world's indigenous people,

Welcoming the report of the United Nations Conference on Environment and Development, in which the vital role of indigenous people and their communities in the interrelationship between the natural environment and its sustainable development is recognized, including their holistic traditional scientific knowledge of their lands, natural resources and environment,

Noting the recommendations included in the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights to proclaim an international decade of the world's indigenous people, including action-oriented programmes to be decided upon in partnership with indigenous people,

Noting also the decision of the General Assembly that, beginning in the first year of the Decade, one day of every year shall be observed as the International Day of Indigenous People,

1. Welcomes the decision of the General Assembly in its resolution 48/163 of 21 December 1993 to proclaim the International Decade of the World's Indigenous People, commencing on 10 December 1994;

2. Also welcomes the decision of the General Assembly that the goal of the Decade should be the strengthening of international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health;

3. Recognizes the importance of developing partnerships based on mutual respect and understanding with indigenous people in striving to achieve cooperative action to address those issues of concern to indigenous people;

4. Notes that the period from 1 January to 9 December 1994 is to be set aside for planning for the Decade in partnership with indigenous people, and emphasizes the need for careful planning and full collaboration and consultation with indigenous people in all aspects of preparation and planning for, and implementation of, activities during the Decade;

5. Invites the Working Group on Indigenous Populations to propose at its next session an appropriate date for one day of every year to be observed as the International Day of Indigenous People, following consultations with indigenous representatives;

6. Requests the Assistant Secretary-General for Human Rights as the Coordinator of the Decade to coordinate the international programme of activities for the Decade in full collaboration and consultation with

Governments, competent bodies, regional organizations, the International Labour Organisation and other specialized agencies of the United Nations, and indigenous and non-governmental organizations;

7. Also requests the Assistant Secretary-General for Human Rights, bearing in mind the contribution that indigenous people can make, to establish a unit within the Centre for Human Rights to support its activities related to indigenous people and in particular to plan, coordinate and implement activities for the Decade;

8. Further requests the Secretary-General to make available adequate human and financial resources from within existing resources to enable the unit in the Centre for Human Rights to carry out the full range of its tasks associated with the planning, coordination and implementation of activities for the Decade, including documentation, communication and data processing needs;

9. Urges United Nations bodies and specialized agencies to designate focal points for coordination with the Centre for Human Rights of activities related to the Decade;

10. Encourages Governments to establish national committees or other mechanisms involving indigenous people to ensure that objectives and activities for the Decade are planned and implemented on the basis of full partnership with indigenous people;

11. Requests specialized agencies, regional commissions and other organizations of the United Nations system to consider with Governments in partnership with indigenous people how they can contribute to the success of the Decade, and to transmit their recommendations to the Coordinator and to the Economic and Social Council;

12. Appeals to the specialized agencies, regional commissions, financial and development institutions and other relevant organizations of the United Nations system to increase their efforts to take into special account the needs of indigenous people in developing evaluation mechanisms, budgeting and programming, including through an examination of how existing programmes and resources might be utilized to benefit indigenous people more effectively and through exploration of ways in which indigenous perspectives and activities can be included or enhanced;

13. Invites indigenous organizations and other interested non-governmental organizations to consider the contributions they can make to the success of the Decade through specific objectives, programmes and activities, with a view to presenting them to the Working Group on Indigenous Populations;

14. Requests that the meeting to be convened in accordance with General Assembly resolution 46/128 of 17 December 1991, with full participation of indigenous people, review the International Year of the World's Indigenous People and also consider preparations for the Decade, particularly with regard to the elaboration of a detailed plan of action,

including an evaluation mechanism based on measurable criteria and a suggested funding plan for the Decade, and that the meeting report to the next session of the Working Group on Indigenous Populations;

15. Requests the Working Group on Indigenous Populations to identify possible programmes, projects and other activities in connection with the Decade and to submit them, through the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to the Commission on Human Rights at its fifty-first session;

16. Requests the Secretary-General to establish a voluntary fund for the Decade, and authorizes him to seek, accept and administer voluntary contributions from Governments, intergovernmental and non-governmental organizations and other private institutions and individuals for the purpose of funding projects and programmes during the Decade;

17. Urges Governments and intergovernmental organizations and invites indigenous organizations, non-governmental organizations and other private institutions and individuals to contribute to the voluntary fund for the Decade to be established by the Secretary-General;

18. Invites Governments, competent United Nations bodies and specialized agencies and other intergovernmental institutions, including financial institutions, to consider providing additional resources to finance the employment or placement of staff, including indigenous staff, in the unit in the Centre for Human Rights, bearing in mind the need for equitable geographical balance;

19. Requests the Secretary-General to give all the assistance necessary to ensure the success of the Decade;

20. Also requests the Secretary-General to submit a preliminary report to the General Assembly at its forty-ninth session and a further report at its fiftieth session on a comprehensive programme of activities for the Decade;

21. Decides to consider the subject of the International Decade of the World's Indigenous People at its fifty-first session.

55th meeting
4 March 1994
[Adopted without a vote. See chap. XVII.]

1994/27. Human rights and disability

The Commission on Human Rights,

Mindful of the pledge made by States, under the Charter of the United Nations, to take action jointly and separately, in cooperation with the United Nations, in order to promote a better quality of life, full employment, and conditions of economic and social progress and development, _Reaffirming_ the commitment to human rights and fundamental freedoms, social justice and the dignity and worth of the human person proclaimed in the Charter,

Recalling in particular the international standards of human rights laid down in the Universal Declaration of Human Rights,

Noting that the rights proclaimed in those instruments should be ensured equally to all individuals without discrimination,

Noting also the Centre for Human Rights publication _Human Rights and Disabled Persons_ (United Nations publication, Sales No. E.92.XIV.4) by Mr. Leandro Despouy, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the establishment of a mechanism such as an international ombudsman is proposed;

Recalling Economic and Social Council resolution 1990/26 of 24 May 1990 and the detailed enumeration in the Vienna Declaration and Programme of Action (A/CONF.157/23) of specific measures required for the attainment of full equality by persons with disabilities,

Recalling also General Assembly resolution 48/96 of 20 December 1993, in which the Assembly adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, and in particular the decision to appoint, within the framework of the Commission for Social Development, a special rapporteur to monitor the implementation of the Standard Rules (part IV, para. 2),

1. _Calls upon_ the Secretary-General to maintain the integrity of programmes within the United Nations system relating to disabled persons, including the United Nations Voluntary Fund on Disability, in order to promote the rights and the equalization of opportunities and full inclusion within societies of persons with disabilities;

2. _Welcomes_ the work done by the Committee on Economic, Social and Cultural Rights to draw attention to the recommendations of the Special Rapporteur on human rights and disability;

3. _Also welcomes_ the call by the General Assembly to States to apply the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, adopted by the General Assembly in its resolution 48/96 of 20 December 1993;

4. _Urges_ States to cooperate fully with the Special Rapporteur appointed, within the framework of the Commission for Social Development, to monitor the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and to meet his requests for information;

5. _Also urges_ States to cooperate fully in the provision of relevant data to the Committee on Economic, Social and Cultural Rights;

6. Encourages all the human rights treaty-monitoring bodies to respond positively to its invitation to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure the full enjoyment of those rights by disabled persons;

7. Urges non-governmental organizations active in the protection and promotion of persons with disabilities to provide relevant information to the Committee on Economic, Social and Cultural Rights and the Centre for Human Rights;

8. Requests the Secretary-General to report biennially to the General Assembly on the progress of efforts to ensure the full recognition and enjoyment of the human rights of disabled people;

9. Reaffirms its commitment to ensuring that the rights of persons with disabilities and their concern for full participation in community affairs continue to be addressed in all of its work,

10. Decides to continue to consider the question at its fifty-first session under the agenda item "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities".

55th meeting
4 March 1994
[Adopted without a vote. See chap. XVII.]

1994/28. A permanent forum in the United Nations for indigenous people

The Commission on Human Rights,

Guided by the purposes and principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Bearing in mind Articles 55 and 56 of the Charter of the United Nations in the context of all human rights of indigenous people,

Recalling the recommendations pertaining to indigenous people included in the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, in particular the recommendation that the establishment of a permanent forum for indigenous people in the United Nations system be considered,

Recalling also the recommendations of the United Nations Conference on Environment and Development to involve indigenous people and their communities in the United Nations programmes of environment and development as stated in article 22 of the Rio Declaration on Environment and Development and in chapter 26 of Agenda 21,

Recalling further that the General Assembly, in its resolution 48/163 of 21 December 1993 on the International Decade of the World's Indigenous

People, requested the Commission on Human Rights, at its fiftieth session, to give priority consideration to the establishment of a permanent forum for indigenous people within the United Nations system,

Recognizing the importance of increased incorporation of the values, views and knowledge of indigenous people into relevant aspects of the programmes and activities of the United Nations system,

Taking into consideration the desirability of consulting indigenous organizations in the consideration of the establishment of a permanent forum,

Acknowledging the important role of the Working Group on Indigenous Populations in this respect,

1. Requests the Assistant Secretary-General for Human Rights to invite Governments and indigenous organizations to express their views pertaining to the possibility of establishing a permanent forum for indigenous people and to transmit to the Working Group on Indigenous Populations prior to its twelfth session contributions received, together with a technical note addressing institutional issues related thereto;

2. Requests the Working Group on Indigenous Populations, at its twelfth session, to give priority consideration to the possible establishment of a permanent forum for indigenous people and to submit its suggestions for alternatives, through the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to the Commission on Human Rights at its fifty-first session;

3. Decides to consider the question of a permanent forum at its fifty-first session.

55th meeting
4 March 1994
[Adopted without a vote. See chap. XVII.]

1994/29. Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people, _Recalling also_ its resolution 1988/44 of 8 March 1988, in which it urged the Working Group on Indigenous Populations to intensify its efforts in carrying out its plan of action and to continue the elaboration of international standards in this field,

Having examined the report of the Working Group on its eleventh session (E/CN.4/Sub.2/1993/29 and Add.1-2),

Conscious that, in various situations, indigenous people are unable to enjoy their inalienable human rights and fundamental freedoms,

Determined to do everything possible to promote the enjoyment of the human rights and fundamental freedoms of indigenous people,

Bearing in mind that international standards must be developed on the basis of the diverse realities of indigenous people in all parts of the world,

Bearing in mind also the completion by the Working Group on Indigenous Populations of its work on a text for a draft declaration on the rights of indigenous people, reflective, _inter alia_, of the value and diversity of cultures and the forms of social organization of indigenous people,

1. _Takes note_ of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fifth session (E/CN.4/1994/2);

2. _Expresses its appreciation and satisfaction_ to the Working Group on Indigenous Populations of the Sub-Commission for its valuable work;

3. _Also expresses its appreciation_ to observers participating in the eleventh session of the Working Group on Indigenous Populations, representatives of Governments, the specialized agencies, non-governmental organizations and indigenous organizations for their active and constructive participation in its work;

4. _Notes_ the decision of the Sub-Commission:

(a) To postpone until its forty-sixth session consideration of the draft declaration prepared by the Working Group;

(b) To request the Secretary-General to submit the draft declaration to the appropriate services within the Centre for Human Rights for its technical revision;

(c) To request the Secretary-General to transmit the technically revised text of the draft declaration to Governments, intergovernmental and non-governmental organizations and to indigenous people and organizations no later than 31 March 1994 and to note explicitly that no further amendments to the technically revised text will be accepted during the future proceedings of the Working Group but that the report of the Working Group on its twelfth session will contain a summary of general views expressed by the participants on the draft declaration;

5. Urges the Sub-Commission to complete its consideration of the draft declaration and submit to the Commission on Human Rights at its fifty-first session the draft declaration together with any recommendations thereon;

6. Recommends to the Economic and Social Council that:

(a) The Working Group be authorized to meet for five working days prior to the forty-sixth session of the Sub-Commission;

(b) The draft declaration, upon final adoption by the General Assembly, be issued as a United Nations sales publication so as to ensure its wide distribution;

7. Invites the Working Group to take into account in its deliberations on developments pertaining to the promotion and protection of the human rights of indigenous people the work, within the framework of their respective mandates, of all thematic special rapporteurs, special representatives, independent experts and working groups as it pertains to the situation of indigenous people;

8. Urges the Working Group to continue its comprehensive review of developments and of the situation and aspirations of indigenous people throughout the world;

9. Requests the Secretary-General to give all the necessary resources and assistance to the Working Group in discharging its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies and non-governmental and indigenous organizations, in order to encourage the widest possible participation in its work;

10. Requests the Secretary-General:

(a) To transmit the reports of the Working Group to Governments, indigenous organizations and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions;

(b) To ensure that all meetings of the Working Group at its twelfth session are provided with interpretation and documentation;

11. Expresses its gratitude and appreciation to the Governments and organizations that have made contributions to the United Nations Voluntary Fund for Indigenous Populations;

12. Appeals to all Governments, organizations and individuals in a position to do so to consider favourably requests for further contributions to the Fund;

13. Authorizes the Chairperson-Rapporteur of the Working Group on Indigenous Populations to represent the Working Group at the International Conference on Population and Development to take place at Cairo from 5 to 13 September 1994;

14. Expresses its appreciation to the Special Rapporteur, Mrs. Erica-Irene Daes, for her timely completion of the study on measures to strengthen respect for the cultural property of indigenous people (E/CN.4/Sub.2/1993/28);

15. Endorses the proposal, made by the Sub-Commission at its forty-fifth session, to hold a seminar on indigenous land rights and claims, within existing resources, with the participation of representatives of Governments, indigenous people and experts;

16. Encourages all the initiatives that can be taken by Governments, indigenous organizations and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group.

55th meeting
4 March 1994
[Adopted without a vote. See chap. XVII.]

1994/30. Assistance in the field of the administration of justice and human rights

The Commission on Human Rights,

Recalling its resolution 1993/32 of 5 March 1993 and resolution 1993/41 of 5 March 1993 in which, inter alia, it stressed the desirability of providing States, at their request, with continued assistance in the field of the administration of justice,

Mindful of the recommendations relating to the administration of justice and human rights contained in the Tunis Declaration (A/CONF.157/AFRM/14) adopted by African States at the Regional Meeting for Africa of the World Conference on Human Rights,

Mindful also of the recommendations relating to human rights in the administration of justice contained in the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, held at Vienna from 14-25 June 1993,

Welcoming General Assembly resolution 48/137 of 20 December 1993 entitled "Human rights in the administration of justice",

Noting with satisfaction the report of the Secretary-General on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1994/78 and Corr.1 and Add.1-3 and Add.2/Corr.1 and Add.3/Corr.1),

Emphasizing the principle of the indivisibility and interdependence of all human rights and fundamental freedoms,

Bearing in mind that the validity and universality of human rights must be promoted and protected by all, Reaffirming the primary responsibility of all Governments to ensure respect and protection for human rights and fundamental freedoms,

Aware that the historical, cultural and traditional contexts should allow each society to develop its own national and regional mechanisms to ensure the promotion and protection of human rights,

Recognizing that the rule of law and the proper administration of justice are prerequisites for sustainable economic and social development,

Aware of the importance of national and regional intergovernmental human rights bodies and institutions in the promotion and protection of human rights,

1. Emphasizes that civil and political rights cannot be separated from economic, social and cultural rights or from rights embodied in other international instruments on human rights;

2. Reaffirms the standards set forth in the International Bill of Human Rights, the African Charter on Human and Peoples' Rights and other international and regional human rights instruments;

3. Acknowledges that it is the primary responsibility of all Governments to promote and protect human rights;

4. Commends the considerable efforts of African and other developing countries to improve the administration of justice and to promote and protect human rights, notwithstanding the limited financial and material resources at their disposal;

5. Urges Governments to pay more attention to the needs of the institutions concerned with the administration of justice by allocating more human and material resources to them to enable them to contribute more efficiently to the promotion and protection of human rights;

6. Appeals to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal aid services with a view to the promotion and protection of human rights;

7. Appeals to the international community to provide assistance, at the request of the Governments concerned, for the provision of, inter alia, legal aid services and for the general improvement of the judicial and penal infrastructures with a view to ensuring the promotion and protection of human rights in African and other developing countries;

8. Invites the international community to respond favourably to requests for financial and technical assistance made by institutions concerned with the promotion and protection of human rights in African and other developing countries with a view to enhancing and strengthening their national capacities to promote and protect human rights consistent with the standards set forth in international and other human rights instruments;

9. Commends those developed countries that have over the years given financial assistance to the United Nations programme of advisory services and technical assistance in the field of human rights, and appeals to them to consider increasing their assistance;

10. Urges the Secretary-General to consider favourably applications for assistance made by African and other developing countries regarding the creation and strengthening of national institutions concerned with the administration of justice within the framework of the United Nations programme of advisory services and technical assistance in the field of human rights;

11. Encourages the Governments of African and other developing countries to avail themselves of the United Nations programme of advisory services and technical assistance in the field of human rights, particularly with a view to strengthening national institutions concerned with the administration of justice;

12. Requests the Secretary-General to report to the Commission at its fifty-first session on the provision of technical assistance and advisory services in the field of the administration of justice to Governments desiring to improve their promotion and protection of human rights.

55th meeting
4 March 1994
[Adopted without a vote. See chap. X.]

1994/31. Human rights and forensic science

The Commission on Human Rights,

Recalling its resolution 1993/33 of 5 March 1993,

Welcoming the report of the Secretary-General on human rights and forensic science (E/CN.4/1994/24), submitted pursuant to its resolution 1993/33,

Welcoming also the preliminary list of organizations and individual experts in forensic science compiled by the Secretary-General in his report and also the organizations mentioned in his previous report (E/CN.4/1993/20),

Expressing its gratitude to the Governments and organizations that recommended names of organizations and experts for the preliminary list,

Conscious that other organizations and individual experts in forensic science should be added to the preliminary list,

Welcoming the contacts maintained by the Working Group on Enforced or Involuntary Disappearances with certain organizations and individuals in the field of forensic science and human rights and the elaboration by the Working Group of a preliminary scheme for establishing a standing team of forensic experts, Noting that the need by Governments, intergovernmental organizations and non-governmental organizations for forensic scientific expertise in investigating deaths and clarifying disappearances has been emphasized in the reports of the Working Group and of the Special Rapporteur on extrajudicial, summary or arbitrary executions, as well as those of various country rapporteurs,

Noting also that forensic science can help to reunite children of disappeared persons forcefully separated from their parents with their surviving relatives,

Noting further that forensic medicine is an important tool in detecting evidence of torture,

Noting that in many of the countries concerned, sufficient expertise in forensic science and related fields to investigate human rights violations effectively is not available,

Recognizing that training of local teams in responsible exhumation and identification procedures is a prerequisite for the effective investigation of human rights violations,

Aware that a number of Governments have requested the Secretary-General to provide technical assistance in this regard,

Also aware of the experience of United Nations fact-finding investigations supporting the need for a list of experts in forensic science,

Further aware that several special rapporteurs have welcomed efforts towards the institution of a standing team of forensic experts to assist them in carrying out their human rights mandates,

Recalling the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989,

Considering the proposed model autopsy protocol prepared under United Nations auspices contained in the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (United Nations publication, Sales No. E.91.IV.1),

1. Invites States to take measures to introduce into their rules and practices the international standards set forth in the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, as well as the model autopsy protocol set forth in the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;

2. Requests the Secretary-General again to consult with Governments, relevant United Nations bodies, professional organizations of forensic experts, the organizations mentioned in his reports of 1993 and 1994, and other interested institutions with a view to:

(a) Identifying individual experts who might be asked to join forensic teams or to provide advice or assistance to thematic or country mechanisms, advisory services and technical assistance programmes;

(b) Submitting biographical data on the experts, including professional qualifications, current employment, contact address, gender (the nomination of female experts is encouraged) and the kinds of assistance they could provide; and

(c) Seeking their advice as to the elaboration of principles, guidance, procedures, mechanisms and training, in addition to the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;

3. Also requests the Secretary-General to continue efforts to establish, on the basis of these consultations and on the basis of continuing efforts on the part of the Working Group on Enforced or Involuntary Disappearances to render active assistance, a list of forensic experts and experts in related fields who could be requested to help international mechanisms in the field of human rights, Governments and the Centre for Human Rights in providing technical and advisory services, advice in regard to the monitoring of human rights violations and training of local teams and/or assistance in the reunification of families of the disappeared;

4. Further requests the Secretary-General annually to update and to make this list available to the special rapporteurs and experts of the United Nations human rights mechanisms so that they may request these forensic experts to assist them in evaluating documents and other evidence and to accompany them on country visits;

5. Requests the Secretary-General to provide appropriate resources, within existing overall United Nations resources, to fund the activities of the Centre for Human Rights in implementing the present resolution;

6. Also requests the Secretary-General to report to the Commission at its fifty-second session on progress made in this matter, including:

(a) The latest list of experts; and

(b) A standard arrangement or cooperation service agreement regulating the use of forensic experts;

as well as to make such recommendations as he may consider appropriate;

7. Decides to consider the question at its fifty-second session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment";

8. Also decides to recommend to the Economic and Social Council the following draft decision for adoption:

[For the text, see chap. I, sect. B, draft decision 8.]

55th meeting
4 March 1994
[Adopted without a vote. See chap. X.]

1994/32. Question of arbitrary detention

The Commission on Human Rights,

Recalling its resolution 1985/16 of 11 March 1985, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to analyse the available information concerning the practice of administrative detention without charge or trial, and to make appropriate recommendations on the use of this practice,

Reaffirming articles 3, 9, 10 and 29 as well as other relevant provisions of the Universal Declaration of Human Rights,

Recalling articles 9, 10, 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Having taken note with appreciation, at its forty-seventh session, of the revised report by Mr. Louis Joinet on the practice of administrative detention (E/CN.4/Sub.2/1990/29 and Add.1) and of the recommendations formulated therein,

Recalling that the General Assembly, in its resolution 43/173 of 9 December 1988, adopted the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which also covers administrative detention, and that, consequently, there is no longer a purpose in treating the question of administrative detention independently, even if, in certain cases, the procedure of administrative detention gives rise to specific abuses,

Recalling also its resolutions 1991/42 of 5 March 1991, 1992/28 of 28 February 1992 and 1993/36 of 5 March 1993,

Having considered the report of the Working Group (E/CN.4/1994/27),

Having heard the comments made during the fiftieth session of the Commission,

1. Expresses its appreciation to the Working Group on Arbitrary Detention for the conscientiousness with which it has defined its working methods and for the way in which it carries out its task, more particularly for recalling the importance that it attaches to respect for the procedures

which it has established in its dialogue with States, and to seeking the cooperation of all those concerned by the cases submitted to it for consideration;

2. Takes note with satisfaction of the Working Group's report, inter alia its point-by-point examination of the requests made in Commission resolution 1993/36, and thanks the experts for the rigour with which they have performed their task, in the light of the very specific nature of their mandate of investigating cases;

3. Requests the Working Group to continue, in discharging its mandate, to seek and gather information from Governments and intergovernmental and non-governmental organizations, as well as from the individuals concerned, their families or their legal representatives;

4. Invites the Working Group to continue to take account of the need to carry out its task with discretion, objectivity and independence and to continue to improve its methods of work within the framework of its mandate;

5. Takes note in this context of the importance that the Working Group attaches to coordination with other mechanisms of the Commission as well as with the treaty-monitoring bodies, and invites it to persevere in its efforts;

6. Takes note also of the "deliberations" adopted by the Working Group on issues of a general nature (see E/CN.4/1994/27, sect. II) with a view to achieving better prevention and to facilitating the consideration of future cases as well as helping to further strengthen the impartiality of its work;

7. Expresses its profound thanks to Governments which have extended their cooperation to the Working Group and responded to its requests for information, and asks all Governments concerned to demonstrate the same spirit of cooperation;

8. Requests Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging the character of the detention;

9. Calls upon Governments concerned to pay due heed to the Working Group's decisions and, where necessary, to take appropriate steps and inform the Working Group, within a reasonable period of time, of the follow-up to the Group's recommendations so that it can report thereon to the Commission;

10. Encourages Governments to implement the recommendations of the Working Group concerning persons who have been detained for a number of years and are mentioned in the report of the Working Group;

11. Also encourages Governments to consider inviting the Working Group to their countries so as to enable the Group to discharge its protection mandate even more effectively and to make concrete recommendations concerning the promotion of human rights, in the spirit of the advisory or technical assistance services;

12. Welcomes the fact that the Working Group has been informed of the release of many individuals whose situation had been brought to its attention;

13. Expresses its concern at the fact that most cases of arbitrary deprivation of liberty are motivated by exercise of the right to freedom of opinion and expression;

14. Notes with concern that, according to the Working Group, the practice of arbitrary detention is facilitated and aggravated by several factors such as abuse of states of emergency, exercise of the powers specific to states of emergency without a formal declaration, non-observance of the principle of proportionality between the gravity of the measures taken and the situation concerned, too vague a definition of offences against State security, and the existence of special or emergency jurisdictions;

15. Encourages States to endeavour to take appropriate measures to ensure that their legislation in these fields is in conformity with the relevant international instruments;

16. Also encourages States, in accordance with its resolution 1992/35 of 28 February 1992, entitled "Habeas corpus", and with the recommendations of the Working Group, to establish a procedure such as habeas corpus or a similar procedure as a personal right not subject to derogation, including during states of emergency;

17. Requests the Secretary-General to ensure that the Working Group really receives all necessary assistance, particularly in regard to staffing and resources needed to discharge its mandate, including the organization, carrying out and follow-up of missions in countries wishing to invite the Working Group;

18. Decides to extend for a three-year period the mandate of the Working Group, composed of five independent experts, with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned;

19. Requests the Working Group to submit a report to the Commission, at its fifty-first session, and to make any suggestions and recommendations which would enable it to discharge its task even better, particularly in regard to ways and means of ensuring effective follow-up to its decisions, in cooperation with Governments and to continue its consultations to that end within the framework of its terms of reference;

20. Decides to continue its consideration of the question at its fifty-first session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

55th meeting
4 March 1994
[Adopted without a vote. See chap. X.]

1994/33. Right to freedom of opinion and expression

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Mindful of the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, and states that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these shall be only such as are provided by law and are necessary for respect of the rights or reputations of others, or for the protection of national security or of public order (ordre public), or of public health and morals,

Mindful also that the International Covenant on Civil and Political Rights states that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Recalling its resolution 1993/45 of 5 March 1993, in which it decided to appoint a special rapporteur on the promotion and protection of the right to freedom of opinion and expression,

Also recalling its resolutions 1984/26 of 12 March 1984, 1985/17 of 11 March 1985, 1986/46 of 12 March 1986, 1987/32 of 10 March 1987, 1988/37 and 1988/39 of 8 March 1988, 1989/31 of 6 March 1989, 1989/56 of 7 March 1989, 1990/32 of 2 March 1990, 1991/32 of 5 March 1991 and 1992/22 of 28 February 1992,

Taking note of resolution 1983/32 of 6 September 1983 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note also of the reports and the final conclusions and recommendations on the right to freedom of opinion and expression submitted to the Sub-Commission at its forty-second, forty-third and forty-fourth sessions by the Special Rapporteurs, Mr. Louis Joinet and Mr. Danilo Türk (E/CN.4/Sub.2/1990/11, E/CN.4/Sub.2/1991/9 and E/CN.4/Sub.2/1992/9 and Add.1),

Considering that the effective promotion of the human rights of persons who exercise the right to freedom of opinion and expression is of fundamental importance to the safeguarding of human dignity,

Noting the comment in the final report of the Special Rapporteurs that the right to freedom of opinion and expression is interrelated with and enhances the exercise of all other human rights,

Deeply concerned by numerous reports of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, against professionals in the field of information, including journalists, editors, writers and authors, publishers and printers,

1. Welcomes the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/1994/33), and welcomes his observations on the terms of reference that constitute the legal framework within which he will carry out his mandate and his proposed methods of work;

2. Notes that the Special Rapporteur recognizes the need to cooperate with other special rapporteurs, special representatives, independent experts, working groups and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue his efforts in this regard;

3. Welcomes the observations contained in the report of the Special Rapporteur on the methods of work, in particular on the means of responding effectively to information which comes before him;

4. Requests the Secretary-General to provide, within existing overall United Nations resources, all the assistance necessary to the Special Rapporteur to fulfil his mandate, in particular by strengthening the human and material resources placed at his disposal;

5. Also requests the Secretary-General to consider ways of publicizing, particularly within the framework of the information activities of the Centre for Human Rights, the work of the Special Rapporteur, as well as recommendations made by him;

6. Expresses its concern at the extensive occurrence of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who exercise the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

7. Also expresses its concern at the extensive occurrence of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who exercise the intrinsically linked rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association, and the right to take part in the conduct of public affairs as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

8. Further expresses its concern at the extensive occurrence in many parts of the world of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who seek to promote and defend these rights and freedoms;

9. Emphasizes that professionals in the field of information play a major role in the promotion and protection of freedom of opinion and

expression and expresses in this regard its deep concern at the numerous reports received by the Special Rapporteur of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at such professionals, including journalists, editors, writers and authors, publishers and printers;

10. Expresses its concern at the number of cases of arbitrary detention ordered following the exercise of rights protected by article 19 of the International Covenant on Civil and Political Rights concerning the right to freedom of opinion and expression as noted in the third report of the Working Group on Arbitrary Detention (E/CN.4/1994/27);

11. Welcomes the release of persons detained for exercising these rights and freedoms, and encourages further progress in this regard;

12. Appeals to all States to ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression, the rights to freedom of thought, conscience and religion, peaceful assembly and association, and the right to take part in the conduct of public affairs, or who seek to promote and defend these rights and freedoms and, where any persons have been detained, subjected to violence or threats of violence and to harassment, including persecution and intimidation, solely for exercising these rights as laid down in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights, to take the appropriate steps to ensure the immediate cessation of these acts and to create conditions under which these acts may be less liable to occur;

13. Also appeals to all States to ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services;

14. Invites once again the Working Group on Enforced or Involuntary Disappearances, the Working Group on Arbitrary Detention and the Special Rapporteurs of the Commission on Human Rights to pay attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treated or discriminated against for having exercised the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights;

15. Urges all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to provide all information requested;

16. Requests the Special Rapporteur to submit to the Commission at its fifty-first session a report covering the activities relating to his mandate;

17. Decides to review this matter at its fifty-first session.

55th meeting
4 March 1994
[Adopted without a vote. See chap. X.]

1994/34. Human rights in the administration of justice

The Commission on Human Rights,

Guided by the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights, as well as the relevant provisions of the International Covenant on Civil and Political Rights and its Optional Protocols,

Guided also by the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in the International Convention on the Elimination of All Forms of Racial Discrimination and in the Convention on the Elimination of All Forms of Discrimination against Women,

Reaffirming the opportunity offered to States parties to the International Covenant on Civil and Political Rights, if they so wish, to become parties to its Optional Protocols,

Welcoming the important work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in the field of human rights in the administration of justice, in particular regarding the independence of the judiciary, the independence of judges and lawyers, the right to a fair trial, habeas corpus, human rights and states of emergency, the question of arbitrary detention, the human rights of juveniles in detention, the privatization of prisons and the question of the impunity of perpetrators of violations of human rights,

Emphasizing the importance of properly coordinating the activities carried out by the Commission on Crime Prevention and Criminal Justice with the activities under the responsibility of the Commission on Human Rights in this field,

Guided by General Assembly resolution 48/137 of 20 December 1993,

Welcoming the work accomplished in this field by the United Nations within the framework of its programme of work in crime prevention and criminal justice,

Welcoming also resolution 1993/39 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Independence of the judiciary, particularly with regard to judges and lawyers, as well as court officers",

Recognizing the central role of the administration of justice in the promotion and protection of human rights,

Mindful of the relevant recommendations relating to human rights in the administration of justice contained in the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, in particular part I, paragraph 27 and part II, paragraph 69, Discomforted by the reports of the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/1994/31), of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26 and Corr. 1-2 and Add.1) and of the Working Group on Arbitrary Detention (E/CN.4/1994/27), all reflecting continuing human rights violations in circumstances clearly indicating pertinent and widespread deficiencies in the systems of administration of justice,

Welcoming the important work of the Commission on Crime Prevention and Criminal Justice in the field of human rights in the administration of justice, as reflected in Economic and Social Council resolution 1993/34 of 27 July 1993, section III,

Noting that many human rights violations in the administration of justice are specifically or primarily directed against women and that the identification and reporting of these violations demand special vigilance,

Recalling its resolution 1993/41 of 5 March 1993,

1. Reaffirms the importance of the implementation of relevant United Nations standards on human rights in the administration of justice;

2. Reiterates once again its call to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure more effective implementation of these standards, taking into account the recommendations of the General Assembly in its resolution 43/153 of 8 December 1988 for the development of national strategies for this purpose;

3. Recognizes the important role that non-governmental organizations, including professional associations of lawyers and judges, can play in promoting human rights in the administration of justice;

4. Calls upon Member States to intensify efforts to identify discrimination and other human rights violations in the administration of justice that are specifically or primarily directed against women, and to provide for effective measures to remedy such violations;

5. Welcomes the special attention given to questions relating to the effective protection of human rights in the administration of justice by special rapporteurs and working groups in their recent reports, and calls upon them to continue to provide, wherever appropriate, specific recommendations in this regard, including proposals for concrete measures under the United Nations programme of advisory services and technical assistance in the field of human rights;

6. Stresses the desirability of States being provided, at their request, with continued assistance in the field of administration of justice, in particular under the United Nations programme of advisory services and technical assistance;

7. Urges the Secretary-General to consider favourably requests for assistance by States in the field of the administration of justice, within the

framework of the United Nations programme of advisory services and technical assistance, and to strengthen coordination activities in this field;

8. Strongly recommends, in this context, that the establishment of a comprehensive programme within the system of advisory services and technical assistance be considered, in order to help States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law;

9. Invites the Commission on Crime Prevention and Criminal Justice to pay particular attention to questions relating to the administration of justice and to explore ways and means of strengthening its cooperation with the Commission on Human Rights in this field, with special emphasis on the effective implementation of relevant norms and standards and the provision of technical assistance;

10. Draws the attention of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to the issues raised in the present resolution;

11. Decides to consider the question at its fifty-first session under the agenda item entitled, "Question of the human rights of all persons subjected to any form of detention or imprisonment".

55th meeting
4 March 1994
[Adopted without a vote. See chap. X.]

1994/35. Right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments in the field of human rights and humanitarian law,

Reaffirming that, pursuant to internationally proclaimed human rights and humanitarian law principles, victims of gross violations of human rights should receive, in appropriate cases, restitution, compensation and rehabilitation,

Considering that the question of restitution, compensation and rehabilitation for victims of gross violations of human rights has received insufficient attention and should be addressed more consistently and more thoroughly at international and national levels, Welcoming in this regard the study on this subject prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Theo van Boven, and contained in his final report (E/CN.4/Sub.2/1993/8),

Noting with particular interest the conclusions and recommendations, as well as the proposed basic principles and guidelines contained in sections VIII and IX of the final report,

1. Expresses its appreciation for the commendable work carried out by the Special Rapporteur;

2. Requests the Secretary-General to take the necessary measures, within existing resources, for the printing, publication and dissemination of the study of the Special Rapporteur;

3. Expresses the hope that priority attention will be given to the question of restitution, compensation and rehabilitation for victims of gross violations of human rights and regards the proposed basic principles and guidelines contained in the study of the Special Rapporteur as a useful basis for this purpose;

4. Recommends, therefore, that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in conformity with Sub-Commission resolution 1993/29 of 25 August 1993, take measures to examine the proposed basic principles and guidelines with a view to making proposals thereon and report to the Commission.

55th meeting
4 March 1994
[Adopted without a vote. See chap. X.]

1994/36. United Nations Voluntary Fund for Victims of Torture

The Commission on Human Rights,

Recalling article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, which state that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also General Assembly resolution 36/151 of 16 December 1981, in which the Assembly noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture, and General Assembly resolution 47/109 of 16 December 1992,

Reaffirming the importance of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Bearing in mind its resolution 1993/38 of 5 March 1993, *Welcoming* the recommendation contained in the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, that providing necessary resources for assistance to victims of torture should be given high priority, *inter alia*, by additional contributions to the United Nations Voluntary Fund for Victims of Torture,

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to victims of torture and their families,

Taking note of the information provided by the Secretary-General on the activities of the United Nations Voluntary Fund for Victims of Torture (A/48/520, E/CN.4/1994/29 and Add.1),

Taking note also of the actions taken by the Secretary-General, through the staff of the Centre for Human Rights, to assist the Board of Trustees of the Fund in its efforts to increase public awareness of the Fund and its humanitarian work,

Recalling the statement by the Board of Trustees of the Fund on the need to receive contributions from Governments on a regular basis, which, *inter alia*, would prevent the interruption of programmes in the continuation of which the Fund plays an instrumental role,

Taking account of the fund-raising campaign launched on the recommendation of the Board of Trustees at its eleventh session, held from 22 April to 1 May 1992, to enhance the capacity of the Fund to respond more favourably to the increasing number of requests for assistance to victims of torture,

Taking account also of the increasing number of projects and the repeated requests by the Board of Trustees of the Fund to have adequate staff for the operations of the Fund,

Noting with satisfaction the establishment of an international network of centres for the rehabilitation of torture victims, which plays an important role in providing assistance to victims of torture, and the collaboration of the Fund with these centres,

1. *Expresses its appreciation* to the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture for the work it has accomplished;

2. *Expresses its gratitude and appreciation* to those Governments, organizations and individuals that have already contributed to the Fund;

3. *Appeals* to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis and annually before the meeting of the Board of Trustees;

4. *Renews its request* to the Secretary-General to transmit to all Governments the appeals of the Commission for contributions to the Fund;

5. Requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and technical equipment for the operations of the Fund;

6. Also requests the Secretary-General to continue to keep the Commission informed of the operations of the Fund on an annual basis.

55th meeting
4 March 1994
[Adopted without a vote. See chap. X.]

1994/37. Torture and other cruel, inhuman or degrading treatment or punishment

The Commission on Human Rights,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Recalling also the World Conference on Human Rights and its Vienna Declaration and Programme of Action (A/CONF.157/23), in particular part I, paragraph 30, in which the World Conference stated that, inter alia, torture and other cruel, inhuman or degrading treatment or punishment constituted serious obstacles to the full enjoyment of all human rights,

Recalling further part II.B.5 of the Vienna Declaration and Programme of Action concerning the eradication of torture,

Noting with appreciation that the number of States which have become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is steadily increasing,

Welcoming the establishment at the regional level, in accordance with the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment,

Seriously concerned, however, about the persistence of an alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Recalling its resolution 1985/33 of 13 March 1985, in which it decided to appoint for one year a special rapporteur to examine questions relevant to torture, and all its subsequent resolutions in which that mandate was regularly extended, most recently for another three years in resolution 1992/32 of 28 February 1992, while maintaining the annual reporting cycle,

Noting with regret that in the past year the Special Rapporteur has not been able to visit any country in order to fulfil his mandate,

Welcoming a continuing exchange of views between the Special Rapporteur and the Committee against Torture established under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Working Group on Arbitrary Detention, and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as well as contacts with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture,

Aware that torture constitutes a criminal obliteration of the human personality which can never be justified under any circumstances, by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights,

Determined to promote the full implementation of the prohibition under international and national law of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Convinced that efforts to eradicate torture should first and foremost be concentrated on prevention,

Noting, in this regard, the importance of the provision of advisory services and technical assistance as forms of practical assistance to interested States with a view to enabling them to develop the necessary infrastructure to meet international human rights standards,

Recalling the Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council in its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982, and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, approved by the General Assembly in its resolution 43/173 of 9 December 1988,

Recalling further the conclusions and recommendations of the previous Special Rapporteur underlined in its resolutions 1987/29 of 10 March 1987, 1988/32 of 8 March 1988, 1989/33 of 6 March 1989, 1990/34 of 2 March 1990, 1991/38 of 5 March 1991, 1992/32 of 28 February 1992 and 1993/40 of 5 March 1993,

1. Commends the Special Rapporteur on his report (E/CN.4/1994/31);

2. Urges all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular of the section relating to freedom from torture;

3. Stresses the recommendations of the previous Special Rapporteur, commended by the present Special Rapporteur for serious action by Governments, and in particular:

(a) That a system of periodic visits by independent experts to places of detention should be instituted, as a highly effective preventive measure against the occurrence of torture;

(b) That the judiciary should play an active role in guaranteeing to detainees the rights they have in accordance with international and national standards;

(c) That the right to have access to a lawyer is one of the basic rights of a person who is deprived of his liberty and that restrictions on this right should therefore be exceptional and always subject to judicial control;

(d) That each person should have the right to initiate promptly after his arrest proceedings before a court on the lawfulness of his detention, in conformity with the International Covenant on Civil and Political Rights;

(e) That interrogation of detainees should take place only at official interrogation centres, that each interrogation should be duly recorded and start with the identification of all the persons present and that the blindfolding or hooding of detainees during interrogation should be absolutely forbidden;

(f) That an independent authority should be established at the national level to receive complaints by individuals about torture or other severe maltreatment;

4. Recalls that incommunicado detention is highly conducive to torture and that in the Special Rapporteur's view incommunicado detention should be forbidden;

5. Invites the Special Rapporteur to examine questions concerning torture directed disproportionately or primarily against women and conditions conducive to such torture, and to make appropriate recommendations concerning prevention of gender-specific forms of torture;

6. Recalls the recommendation of the previous Special Rapporteur that Governments and professional and medical associations should take strict measures against members of the medical profession who play a role in the practice of torture;

7. Endorses the recommendation of the previous Special Rapporteur that those who violate article 7 of the International Covenant on Civil and Political Rights, whether by encouraging, ordering, tolerating or perpetrating prohibited acts, must be held responsible, and that whenever a complaint of

torture is found to be justified, the perpetrators should be severely punished, especially the official in charge of the place of detention where the torture is found to have taken place;

8. Calls upon all States that have not yet done so to become as soon as possible parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and requests the Special Rapporteur to continue to promote universal accession to that Convention and to encourage all States to fulfil its provisions strictly;

9. Emphasizes the importance of training programmes for law enforcement and security personnel, and draws the attention of interested Governments to the possibilities offered in this connection by the United Nations programme of advisory services in the field of human rights;

10. Encourages the Special Rapporteur to make appropriate recommendations concerning situations in which advisory services to judicial, law enforcement, detention and other authorities might assist interested Governments in combating the occurrence of torture;

11. Urges the Secretary-General to make available, as part of the United Nations programme of advisory services in the field of human rights, qualified experts in law enforcement, detention and medicine to assist Governments, at their request, in their efforts to prevent the occurrence of torture;

12. Decides that the Special Rapporteur, in carrying out his mandate, shall continue to seek and receive credible and reliable information from Governments, the specialized agencies and intergovernmental and non-governmental organizations;

13. Approves the methods of work employed by the Special Rapporteur, in particular as regards urgent appeals;

14. Considers it desirable that the Special Rapporteur should continue to have a further exchange of views with the various mechanisms and bodies entrusted with the task of combating torture, in particular with a view to enhancing further their effectiveness and mutual cooperation, and that he should pursue cooperation with relevant United Nations programmes, notably that on crime prevention and criminal justice;

15. Invites the Special Rapporteur, in carrying out his mandate, to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him and to carry out his work with discretion;

16. Appeals to all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to supply all information requested, including by reacting properly to his urgent appeals;

17. Urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer expeditiously;

18. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

19. Calls upon the Special Rapporteur to continue to include information in his report on the follow-up by Governments to his recommendations, visits and communications;

20. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to cover all of his activities in order to enable him to submit his report to the Commission at its fifty-first session.

55th meeting
4 March 1994
[Adopted without a vote. See chap. X.]

1994/38. Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of all Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Recalling further General Assembly resolution 39/46 of 10 December 1984, in which the Assembly adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing and ratifying the Convention as a matter of priority,

Bearing in mind its resolution 1993/37 of 5 March 1993,

Welcoming the statement on freedom from torture included in the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights urged all States to put an immediate end to the practice of torture and eradicate this evil forever,

Recalling the decision of 9 September 1992 of the States parties to the Convention to delete paragraph 7 of article 17 and paragraph 5 of article 18 of the Convention and to add a new paragraph as paragraph 4 of article 18, stating that the members of the Committee established under the Convention shall henceforth receive emoluments from United Nations resources on such terms as the General Assembly will decide, Welcoming the endorsement of these amendments by the General Assembly in its resolution 47/111 of 16 December 1992,

Mindful of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex) and of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment (General Assembly resolution 37/194, annex), as well as of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex),

Seriously concerned about the alarming number of cases of torture and other cruel, inhuman or degrading treatment or punishment which continue to be reported from various parts of the world,

Determined to promote full implementation of the prohibition, under international and national law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Considering the important functions of the Committee against Torture under the Convention,

Recalling that, in its resolution 1985/33 of 13 March 1985, the Commission decided to appoint a special rapporteur to examine questions relevant to torture and also recalling its subsequent decisions to continue his mandate,

Taking note of the outcome of the second session of the open-ended working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention,

1. Welcomes the report of the Committee against Torture on its ninth and tenth sessions (A/48/44 and Add.1);

2. Takes note of the report of the Secretary-General (E/CN.4/1994/28) on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. Encourages the States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

4. Urges States parties that have not yet paid their assessed contributions, and in particular those whose arrears pertain to two or more consecutive financial periods, to fulfil their obligations forthwith;

5. Welcomes the attention that the Committee against Torture has given to the development of an effective system of reporting on the implementation of the Convention by States parties, including its practice of formulating

concluding observations after the consideration of such reports, as well as its practice of carrying out inquiries into cases of well-founded allegations of the systematic practice of torture in States parties;

6. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture;

7. Urges all States to become parties to the Convention as a matter of priority;

8. Invites all States ratifying or acceding to the Convention and those States parties that have not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20,

9. Requests the Secretary-General to continue to submit to the Commission annual reports on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

10. Decides to consider the report of the Secretary-General at its fifty-first session under the agenda sub-item entitled "Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment".

55th meeting
4 March 1994
[Adopted without a vote. See chap. X.]

1994/39. Question of enforced disappearances

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/173 of 20 December 1978, in which the Assembly requested the Commission on Human Rights to consider the question of disappeared persons with a view to making appropriate recommendations, and all other United Nations resolutions concerning missing or disappeared persons,

Recalling its resolution 20 (XXXVI) of 29 February 1980, in which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, and its resolutions 1991/41 of 5 March 1991, 1992/30 of 28 February 1992 and 1993/35 of 5 March 1993,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the General Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance,

Emphasizing that, in the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights welcomes the adoption of the Declaration on the Protection of All Persons from Enforced Disappearance and calls upon all States to take effective legislative, administrative, judicial or other measures to prevent, terminate and punish acts of enforced disappearance,

Noting that the Working Group on Enforced or Involuntary Disappearances considers the adoption of the latter Declaration to be the most encouraging development since its establishment in respect of efforts to combat enforced disappearances, especially in so far as it recognizes that the systematic practice of such acts "is of the nature of a crime against humanity",

Expressing concern in this connection that, according to the Working Group, the practice of a number of States can run counter to the Declaration,

Convinced of the need to continue implementing the provisions of General Assembly resolution 33/173 and of the other United Nations resolutions on the question of disappeared persons, with a view to finding solutions for cases of disappearance and eliminating enforced disappearances, duly taking into account the provisions of the Declaration,

Noting General Assembly resolution 47/132 of 18 December 1992,

Deeply concerned at the persistence of the practice of enforced disappearances in various parts of the world,

Concerned at the large number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of disappeared persons,

Recalling in this connection its resolution 1993/64 of 10 March 1993 on cooperation with representatives of United Nations human rights bodies,

Noting with satisfaction in this connection that the Working Group reports increased cooperation on the part of most States,

Emphasizing the relevance of its resolution 1993/33 of 5 March 1993 on forensic science to the activities of the Working Group and noting with appreciation the compilation by the Secretary-General of a preliminary list of experts in this field,

Having considered the report of the Working Group (E/CN.4/1994/26 and Corr.1-2 and Add.1),

1. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for the way in which it is performing its task, and thanks it for submitting a report to the Commission in accordance with resolution 1993/35;

2. Takes note of the report of the Working Group;

3. Requests the Working Group, in its efforts to help to eliminate the practice of enforced disappearances, to submit to the Commission all information it deems necessary and any specific recommendations it may wish to make regarding the fulfilment of its task;

4. Reminds the Working Group of the need to observe, in its humanitarian task, United Nations standards and practices regarding the handling of communications and the consideration of Government replies;

5. Invites all Governments to take appropriate legislative or other steps to prevent and punish the practice of enforced disappearances, with special reference to the Declaration on the Protection of All Persons from Enforced Disappearance, and to take action to that end nationally and regionally and in cooperation with the United Nations;

6. Recalls in this regard that all acts of enforced disappearance are offences punishable by appropriate penalties which take into account their extreme seriousness under criminal law;

7. Notes with concern that, as the Working Group stresses in paragraph 539 of its report (para. 539), some Governments have never provided substantive replies concerning enforced disappearances alleged to have occurred in their countries;

8. Deplores the fact that, as the Working Group points out in its report, some Governments have not acted on the recommendations concerning them made in the reports of the Working Group, and requests the Working Group to continue to submit to the Commission information on the follow-up to its recommendations;

9. Urges the Governments concerned, particularly those which have not yet responded to communications transmitted to them by the Working Group, to cooperate with and assist the Working Group so that it may carry out its mandate effectively, and in particular to reply expeditiously to its requests for information;

10. Also urges the Governments concerned to intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

11. Once again urges Governments to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

12. Encourages Governments to give serious consideration to inviting the Working Group to visit their countries so as to enable the Working Group to fulfil its mandate even more effectively;

13. Urges Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is guaranteed, particularly as regards the prevention of enforced disappearances;

14. Reminds Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries in all circumstances whenever there is reason to believe that an enforced disappearance has occurred in a territory under their jurisdiction;

15. Further recalls that, if allegations are confirmed, perpetrators should be prosecuted;

16. Expresses its profound thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information, and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Working Group's recommendations, and invites them to inform the Working Group of any action they take on those recommendations;

17. Requests the Working Group, in the exercise of its mandate, to take into account the provisions of the Declaration on the Protection of All Persons from Enforced Disappearance, and to modify its working methods if necessary;

18. Invites the Working Group to identify obstacles to the realization of the provisions of the Declaration and to recommend ways of overcoming those obstacles, taking into account the discussions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

19. Encourages States, as some have already done, to provide concrete information on measures taken to give effect to the Declaration, as well as obstacles encountered;

20. Invites the Working Group to continue to consider the question of impunity, in close collaboration with the rapporteurs appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and with due regard for the relevant provisions of the Declaration;

21. Takes note, in this connection, of the first determining elements identified by the Working Group, inter alia, habeas corpus or a similar procedure, the proper functioning of justice, the protection of persons involved in any way in the investigation from any kind of reprisals, the initiation of inquiries and their continuation pending clarification of the victims' fate, and the trial by civilian courts of alleged perpetrators, who should not benefit from any special amnesty law or other similar measures having the effect of exonerating them from any prosecution or penal sanction;

22. Requests the Working Group to pay attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned to search for and identify these children;

23. Takes note with interest of the proposal of the Working Group to establish a special procedure concerning the question of enforced disappearances in the territory of the former Yugoslavia under the joint responsibility of one member of the Working Group and the Special Rapporteur on human rights in the former Yugoslavia;

24. Requests the Working Group to report on its work to the Commission at its fifty-first session and to continue to discharge its mandate discreetly and conscientiously;

25. Requests the Secretary-General to ensure that the Working Group really receives all necessary assistance, in particular the staff and resources it requires to perform its functions, especially in carrying out missions, following them up or holding sessions in countries that would be prepared to receive it;

26. Also requests the Secretary-General to keep the Working Group and the Commission on Human Rights regularly informed of the steps he takes to secure the widespread dissemination and promotion of the Declaration on the Protection of All Persons from Enforced Disappearance.

55th meeting
4 March 1994
[Adopted without a vote. See chap. X.]

1994/40. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling its decision 1991/107 of 5 March 1991, in which it decided to consider at its forty-eighth session the text, proposed by the Government of Costa Rica, of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1991/66), intended to establish a preventive system of visits to places of detention,

Recalling also its resolution 1992/43 of 3 March 1992, in which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussions the draft text proposed by the Government of Costa Rica, and decided to consider the question at its forty-ninth session,

Recalling further Economic and Social Council resolution 1992/6 of 20 July 1992, in which the Council authorized an open-ended working group to meet for a period of two weeks prior to the forty-ninth session of the Commission,

Recalling its resolution 1993/34 of 5 March 1993, in which it requested the working group to meet for a period of two weeks prior to the fiftieth session of the Commission in order to continue its work and to submit a report,

Taking note with satisfaction of the observations and comments presented by Governments, United Nations bodies, the representative of the Committee against Torture, the Special Rapporteur on the question of torture, the representative of the European Committee for the Prevention of Torture, the head of the Division of Detention of the International Committee of the Red Cross, other invited experts and non-governmental organizations, whose contributions led to useful progress in the examination of the draft optional protocol, Considering that the working group generally agreed that, should its work continue in the same manner, there was a possibility that, within a reasonable period of time, a final text could be elaborated which could be of great significance in the field of the prevention of torture,

Recalling the firm declaration of the World Conference on Human Rights that efforts to eradicate torture should, first and foremost, be concentrated on prevention and which called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,

1. Takes note of the report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1994/25 and Add.1) and welcomes the substantial progress made by the working group during its second session;

2. Requests the open-ended working group to meet between sessions for a period of two weeks prior to the fifty-first session of the Commission in order to pursue its work and to submit a new report to the Commission;

3. Requests the Secretary-General to transmit the report of the working group to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned, and to invite them to submit their comments to the working group;

4. Also requests the Secretary-General to invite Governments, the specialized agencies, and non-governmental organizations, as well as the Chairperson of the Committee against Torture and the Special Rapporteur on the question of torture, to participate in the activities of the working group;

5. Further requests the Secretary-General to extend all the necessary facilities to the working group for its meetings prior to the fifty-first session of the Commission;

6. Decides to examine the report of the working group at its fifty-first session under the sub-item entitled "Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment";

7. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 10.]

55th meeting
4 March 1994
[Adopted without a vote. See chap. X.]

1994/41. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4 and 26 of the International Covenant on Civil and Political Rights,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, in particular Part I, paragraph 27 and Part II, paragraphs 88, 90 and 95,

Recalling its resolutions 1989/32 of 6 March 1989, 1990/33 of 2 March 1990, 1991/39 of 5 March 1991, 1992/33 of 28 February 1992 and 1993/44 of 5 March 1993,

Recalling also General Assembly resolution 45/166 of 18 December 1990, in which the Assembly welcomed the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and invited Governments to respect them and to take them into account within the framework of their national legislation and practice,

Bearing in mind the principles contained in the draft declaration on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1), prepared by Mr. L.M. Singhvi, the importance of which was noted by the Commission on Human Rights, in its resolution 1989/32 of 6 March 1989,

Noting both the increasing frequency of attacks on the independence of judges, lawyers and court officials and the link which exists between the weakening of safeguards for the judiciary and lawyers and the gravity and frequency of violations of human rights,

1. Welcomes the final report on the independence of the judiciary and the protection of practising lawyers (E/CN.4/Sub.2/1993/25 and Add.1), prepared by Mr. Louis Joinet, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

2. Endorses the recommendation of the Sub-Commission, as contained in its resolution 1993/39 of 26 August 1993, to create a monitoring mechanism to follow up the question of the independence and impartiality of the judiciary, particularly with regard to judges and lawyers, as well as court officials, and the nature of potential threats to this independence and impartiality;

3. Requests the Chairman of the Commission to appoint, for a period of three years, after consultation with the other members of the Bureau, a special rapporteur whose mandate will consist of the following tasks:

(a) To inquire into any substantial allegations transmitted to him or her and report his or her conclusions thereon;

(b) To identify and record not only attacks on the independence of the judiciary, lawyers and court officials but also progress achieved in protecting and enhancing their independence, and make concrete recommendations including the provision of advisory services or technical assistance when they are requested by the State concerned;

(c) To study, for the purpose of making proposals, important and topical questions of principle with a view to protecting and enhancing the independence of the judiciary and lawyers;

4. Urges all Governments to assist the Special Rapporteur in the discharge of his or her mandate and to transmit to him or her all the information requested;

5. Requests the Special Rapporteur to submit to the Commission, starting with its fifty-first session, a report on the activities connected with his or her mandate;

6. Requests the Secretary-General, within the limits of the resources of the United Nations, to provide the Special Rapporteur with any assistance needed for the discharge of his or her mandate;

7. Decides to consider this question at its fifty-first session;

8. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 11.]

55th meeting
4 March 1994
[Adopted without a vote. See chap. X.]

1994/42. Staff members of the United Nations and of the specialized agencies in detention

The Commission on Human Rights,

Recalling General Assembly resolutions 42/219 of 21 December 1987, 43/225 of 21 December 1988, 44/186 of 19 December 1989 and 45/240 of 21 December 1990, in which the Assembly deplored the increase in the number of cases where the functioning, safety and well-being of officials had been adversely affected, including cases of detention in Member States and abduction by armed groups and individuals, and the increasing number of cases in which the lives and well-being of officials had been placed in jeopardy during the exercise of their official functions,

Recalling its resolution 1993/39 of 5 March 1993, in which it requested the Secretary-General to submit to the Commission at its fiftieth session an updated version of the report on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will,

Aware of the need to update and strengthen the relevant international legal instruments, and taking note of the decision of the General Assembly, contained in its resolution 48/37 of 9 December 1993, to establish an ad hoc committee to elaborate an international convention dealing with the safety and security of United Nations and associated personnel, with particular reference to responsibility for attacks on such personnel,

Considering that, at a time when the United Nations is undertaking greater responsibilities sending missions in difficult conditions to various parts of the world, it is imperative that its staff members and other personnel acting under its authority be able to perform their duties with the assurance that their human rights, privileges and immunities will be fully respected, in accordance with the relevant provisions of the Charter of the United Nations and other international instruments,

Gravely concerned that a significant number of United Nation staff members, experts and their families continue to be detained, imprisoned, missing or held in a country against their will,

Gravely concerned also that a significant number of United Nations staff members, recruited nationally or internationally, and other personnel acting under the authority of the United Nations and their families have been killed since January 1993,

Noting the need for updated and complete information on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will,

Convinced that a better coordinated and more detailed reporting system, with a better dialogue between the United Nations and the host country, may contribute to a faster solution of cases,

Preoccupied by the inordinate delays and obstacles which different organizations of the United Nations system face when trying to exercise fully the right of functional protection of their staff members,

Greatly appreciating the efforts of the Secretary-General to promote a satisfactory resolution of all cases of this kind, and noting that these efforts have already produced concrete results concerning the security of United Nations staff members, experts and their families, Having examined the updated report by the Secretary-General on detention of international civil servants and their families (E/CN.4/1994/30 and Corr.1),

1. Takes note with interest of the updated report of the Secretary-General;

2. Again requests the Secretary-General to take steps aimed at ensuring the application without delay of all the recommendations contained in the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the protection of the human rights of United Nations staff members, experts and their families (E/CN.4/Sub.2/1992/19);

3. Appeals once again to Member States to respect and to ensure respect for the rights of staff members and other personnel acting under the authority of the United Nations and their families and to take the necessary measures to ensure the protection of United Nations and associated personnel in their territory;

4. Requests the Secretary-General to continue his efforts to ensure that the human rights, privileges and immunities of United Nations staff members, experts and their families are fully respected and to seek redress and compensation of the damage caused to them, as well as their full reintegration, when their human rights, privileges and immunities have been violated;

5. Urges Member States, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (General Assembly resolution 43/173, annex), to provide adequate and prompt information concerning the arrest or detention of United Nations staff members, experts and their families, and to grant the representative of the competent international organization access to them without delay;

6. Also urges Member States to allow medical teams to investigate the health of staff members, experts and their families who are being detained in order to provide them with the necessary medical assistance;

7. Calls upon Member States to allow the representative of the competent international organization to attend any hearing concerning United Nations staff members, experts and their families;

8. Requests the existing human rights mechanisms, including the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions, to examine as appropriate the cases involving the human rights of staff members of the United Nations system and their families, as well as experts, special rapporteurs and consultants, and to transmit the relevant part of their reports to the Secretary-General for inclusion in his report to the Commission on Human Rights;

9. Welcomes the decision of the General Assembly, contained in its resolution 48/37 of 9 December 1993, to establish an ad hoc committee to

elaborate an international convention dealing with the safety and security of United Nations and associated personnel, with particular reference to responsibility for attacks on such personnel, and considers that the timely elaboration of such a convention will contribute to the improvement of the situation;

10. Requests the Secretary-General to submit to the Commission at its fifty-first session an updated version of the report on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, including those cases which have been successfully settled since the presentation of the last report, as well as on the implementation of the measures referred to in the present resolution.

55th meeting
4 March 1994
[Adopted without a vote. See chap. X.]

1994/43. Question of human rights and states of emergency

The Commission on Human Rights,

Noting resolution 1993/28 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 12.]

55th meeting
4 March 1994
[Adopted without a vote. See chap. X.]

1994/44. Question of the impunity of perpetrators of violations of human rights

The Commission on Human Rights,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other relevant human rights instruments and the Geneva Conventions of 12 August 1949,

Recalling the interdependence and indivisibility of civil and political rights and economic and social rights,

Convinced that the increasingly widespread practice worldwide of impunity for perpetrators of violations of human rights is a fundamental obstacle to the observance of human rights, *Taking note* of resolution 1993/37 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. *Welcomes* the interim report (E/CN.4/Sub.2/1993/6) prepared by Mr. El Hadji Guissé and Mr. Louis Joinet pursuant to resolution 1992/23 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

2. *Endorses* the Sub-Commission's request to Mr. Guissé and Mr. Joinet to submit a report, including conclusions and recommendations, on the first aspect of the question of impunity, with respect to civil and political rights, to the Sub-Commission at its forty-sixth session and to continue their study on the second aspect of the question, concerning economic, social and cultural rights;

3. *Requests* the Secretary-General to provide the Special Rapporteurs with any assistance required by them to be able to discharge their task;

4. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 13.]

55th meeting
4 March 1994
[Adopted without a vote. See chap. X.]

1994/45. *Question of integrating the rights of women into the human rights mechanisms of the United Nations and the elimination of violence against women*

The Commission on Human Rights,

Recalling its resolution 1993/46 of 8 March 1993 on integrating the rights of women into the human rights mechanisms of the United Nations, in which it also decided to consider at its fiftieth session the appointment of a special rapporteur on violence against women,

Also recalling that the World Conference on Human Rights welcomed the decision of the Commission on Human Rights to consider at its fiftieth session the appointment of a special rapporteur on violence against women,

Welcoming the adoption by the General Assembly, in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women, which recognizes that violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, and expresses concern about the long-standing failure to protect and promote these rights and freedoms in relation to violence against women, Deeply concerned at continuing and endemic violence against women, and noting that the Declaration on the Elimination of Violence against Women sets out various forms of physical, sexual and psychological violence against women,

Mindful that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, affirmed that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated,

Alarmed by the marked increase in acts of sexual violence directed notably against women and children, as expressed in the Final Declaration of the International Conference for the Protection of War Victims (Geneva, 30 August-1 September 1993), and reiterating that such acts constitute grave breaches of international humanitarian law,

Bearing in mind that the Vienna Declaration and Programme of Action calls for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity, stresses the importance of working towards the elimination of violence against women in public and private life and urges the eradication of all forms of discrimination against women,

Recalling the outcome of the World Conference on Human Rights as reflected in the Vienna Declaration and Programme of Action, which affirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and that the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community,

Also recalling that the Vienna Declaration and Programme of Action affirmed that the human rights of women should form an integral part of United Nations human rights activities, including the promotion of all human rights instruments as they relate to women, and urged Governments, institutions, intergovernmental and non-governmental organizations to intensify their efforts for the protection and promotion of the human rights of women and the girl child,

Bearing in mind that the programme of action for the equal status and human rights of women adopted in the Vienna Declaration and Programme of Action (part II.B.3) sets out a series of measures to be taken to further the full and equal enjoyment by women of all human rights as a priority for Governments and the United Nations, and recognizing the importance of the integration and the full participation of women as both agents and beneficiaries in the development process,

Welcoming the report of the Secretary-General (E/CN.4/1994/34) submitted in response to the request contained in Commission resolution 1993/46 of 8 March 1993 to consult with all United Nations human rights bodies, including the treaty bodies, on the implementation of the resolution and in particular the action taken to create a focal point in the Centre for Human Rights for the human rights of women,

Considering that the Vienna Declaration and Programme of Action called on the United Nations to encourage the goal of universal ratification by all States of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000 and to avoid, as far as possible, the resort to reservations,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women,

Stressing that the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women will contribute to the elimination of violence against women and that the Declaration on the Elimination of Violence against Women strengthens and complements this process,

Recognizing the need to promote and strengthen national and international efforts to improve the status of women in all areas in order to foster the elimination of discrimination and gender-based violence against women,

Looking forward to the Fourth World Conference on Women: Action for Equality, Development and Peace to be held in Beijing in 1995, and urging that human rights of women should play an important role in its deliberations,

Recognizing the important role of the women's movement and of non-governmental organizations in promoting the human rights of women,

1. Condemns all violations of the human rights of women, including acts of gender-based violence against women;

2. Calls for, in accordance with the Declaration on the Elimination of Violence against Women, the elimination of gender-based violence in the family, within the general community and where perpetrated or condoned by the State and emphasizes the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, to punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State or by private persons, and to provide access to just and effective remedies and specialized assistance to victims;

3. Condemns all violations of the human rights of women in situations of armed conflict, recognizes them to be violations of international human rights and humanitarian law, and calls for a particularly effective response to violations of this kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy;

4. Calls for the elimination of violence against women in public and private life, of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism;

5. Urges Governments to intensify their efforts to promote and protect the human rights of women and eliminate violence against women, in accordance with the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights and the Declaration on the Elimination of Violence against Women, through the adoption of all appropriate means and measures, at the national, regional and international levels;

6. Decides to appoint, for a three-year period, a special rapporteur on violence against women, including its causes and its consequences, who will report to the Commission on an annual basis beginning at its fifty-first session;

7. Invites the Special Rapporteur, in carrying out this mandate, and within the framework of the Universal Declaration of Human Rights and all other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women, to:

(a) Seek and receive information on violence against women, its causes and its consequences from Governments, treaty bodies, specialized agencies, other special rapporteurs responsible for various human rights questions and intergovernmental and non-governmental organizations, including women's organizations, and to respond effectively to such information;

(b) Recommend measures, ways and means, at the national, regional and international levels, to eliminate violence against women and its causes, and to remedy its consequences;

(c) Work closely with other special rapporteurs, special representatives, working groups and independent experts of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities and with the treaty bodies, taking into account the Commission's request that they regularly and systematically include in their reports available information on human rights violations affecting women, and cooperate closely with the Commission on the Status of Women in the discharge of its functions;

8. Requests the Chairman of the Commission, after consultation with the other members of the Bureau, to appoint as Special Rapporteur an individual of recognized international standing and experience in addressing the human rights of women;

9. Requests all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated and to furnish all information requested;

10. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

11. Also requests the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women to assist in the Commission's work in the area of violence against women;

12. Calls for intensified effort at the international level to integrate the equal status of women and the human rights of women into the mainstream of United Nations system-wide activity and to address these issues regularly and systematically throughout relevant United Nations bodies and mechanisms;

13. Recognizes the particular role of the Commission on the Status of Women in promoting equality between women and men;

14. Encourages the strengthening of cooperation and coordination between the Commission on Human Rights, the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women and other treaty bodies, the United Nations Development Fund for Women, the United Nations Development Programme and other United Nations agencies;

15. Calls for closer cooperation and coordination between the Centre for Human Rights and the Division for the Advancement of Women;

16. Renews its call to Governments to include gender-disaggregated data, including information on the de jure and de facto situation of women, in the information they provide to special rapporteurs, treaty bodies and to all other United Nations bodies and mechanisms concerned with human rights, and notes that the Vienna Declaration and Programme of Action calls on all special rapporteurs, working groups, the treaty bodies and other mechanisms of the Commission and the Sub-Commission to make use of such data in their deliberations and findings;

17. Renews its request to the secretariat to ensure that special rapporteurs, experts, working groups, treaty bodies and other mechanisms of the Commission and the Sub-Commission are fully apprised of the particular human rights violations suffered by women, and, in view of the fact that the Vienna Declaration and Programme of Action encourages training for United Nations human rights and humanitarian relief personnel to assist them to recognize and deal with the human rights violations particular to women and to carry out their work without gender bias, requests the Centre for Human Rights to take action in this regard;

18. Requests all special rapporteurs, experts, working groups, treaty bodies, and other mechanisms of the Commission and the Sub-Commission, in the

discharge of their mandates, regularly and systematically to include in their reports available information on human rights violations against women;

19. Requests Governments and the United Nations to include in their human rights education activities information on the human rights of women;

20. Notes that the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held in Beijing in 1995, may consider the question of means of integrating the human rights of women into the mainstream of United Nations system-wide activity;

21. Decides to continue its consideration of the question as a matter of high priority at its fifty-first session;

22. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 14.]

56th meeting
4 March 1994
[Adopted without a vote. See chap. XI.]

1994/46. Human rights and terrorism

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Bearing in mind that the most essential and basic human right is the right to life,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights,

Recalling also General Assembly resolution 48/122 of 20 December 1993, its own resolution 1993/48 of 9 March 1993 and resolutions 1993/13 of 20 August 1993 and 1993/23 of 23 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reiterating that all Member States have an obligation to promote and protect human rights and fundamental freedoms, and also that every individual should strive to secure their universal and effective recognition and observance,

Deeply concerned at the gross violations of human rights perpetrated by terrorist groups, Profoundly deploring the increasing number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

1. Reiterates the unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomever committed, as acts of aggression aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences on the economic and social development of States;

2. Calls upon States to take all necessary and effective measures, in conformity with international standards of human rights, to prevent, combat and eliminate terrorism, and urges the international community to enhance cooperation in the fight against terrorism at the national, regional and international levels;

3. Requests the Secretary-General to collect information on this question from all relevant sources and to make it available to the special rapporteurs and working groups concerned for their consideration;

4. Urges all thematic special rapporteurs and working groups to address as appropriate the consequences of the acts, methods and practices of terrorist groups in their forthcoming reports to the Commission;

5. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider the possibility of undertaking a study on the question of terrorism and human rights in the context of its procedures;

6. Decides to continue its consideration of the question as a matter of priority at its fifty-first session.

56th meeting
4 March 1994
[Adopted without a vote. See chap. XI.]

1994/47. Human rights and unilateral coercive measures

The Commission on Human Rights,

Recalling the principles set forth in the Charter of the United Nations,

Recalling also General Assembly resolution 2625 (XXV) of 24 October 1970 containing the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Reaffirming General Assembly resolution 3281 (XXIX) of 12 December 1974 containing the Charter of Economic Rights and Duties of States, in particular its article 32 which declares that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Reaffirming also the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights on 25 June 1993,

Bearing in mind its resolutions 1991/79 of 6 March 1991, 1992/39 of 28 February 1992 and 1993/59 of 9 March 1993,

Gravely concerned that the use of unilateral coercive measures adversely affects the socio-humanitarian activities of developing countries and that, in some cases, intensification of such measures hinders the acquisition of essential goods and has a negative effect on the full enjoyment of all human rights,

1. Calls upon the international community to reject the use by certain countries of unilateral economic measures which are in clear contradiction with international law against developing countries with the purpose of exerting, directly or indirectly, coercion on the sovereign decisions of the countries subject to those measures;

2. Reaffirms that the implementation of unilateral coercive measures as a means of exercising political, economic or social pressure against developing countries, which are in clear contradiction with international law, prevents the full realization of all human rights by the people subject to those measures, particularly children, women and elderly people;

3. Requests all States to refrain from adopting any unilateral coercive measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular, the right of everyone to a standard of living adequate for their health and well-being, including food and medical care, housing and the necessary social services;

4. Condemns the fact that certain countries using their predominant position in the world economy, continue to intensify the adoption of unilateral coercive measures against developing countries, which are in clear contradiction with international law, such as trade restriction, blockades, embargoes, freezing of assets with the purpose of preventing these countries from exercising their right fully to determine their political, economic and social system and freely to expand their international trade;

5. Also reaffirms that essential goods, in particular food and medicines, should not be used as a tool for political pressure;

6. Requests the Secretary-General to submit, in consultation with Governments and specialized agencies, as well as with intergovernmental and non-governmental organizations, a report to the Commission on Human Rights at its fifty-first session on the coercive measures unilaterally implemented

against developing countries hindering the full realization of all rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, particularly the right of people to a minimum standard of living and development.

56th meeting
4 March 1994
[Adopted by a roll-call vote of 23 to 18,
with 12 abstentions. See chap. XI.]

1994/48. Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

The Commission on Human Rights,

Recalling that the General Assembly, in its resolutions 41/153 of 4 December 1986, 43/140 of 8 December 1988 and 45/168 of 18 December 1990, affirmed the value of regional arrangements for the promotion and protection of human rights in the Asian and Pacific region,

Recalling also its own resolutions 1988/73 of 10 March 1988, 1989/50 of 7 March 1989, 1990/71 of 7 March 1990, 1991/28 of 5 March 1991, 1992/40 of 28 February 1992 and 1993/57 of 9 March 1993,

Recalling further that the World Conference on Human Rights, in the Vienna Declaration and Programme of Action (A/CONF.157/23), emphasized that regional arrangements played a fundamental role in promoting and protecting human rights,

Taking note of resolution 45/2 adopted by the Economic and Social Commission for Asia and the Pacific on 5 April 1989,

Bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions,

Welcoming the joint communiqué of the twenty-sixth Association of South-East Asian Nations Ministerial Meeting held at Singapore on 23 and 24 July 1993, at which it was agreed that, in support of the Vienna Declaration and Programme of Action, the Association should consider the establishment of an appropriate regional mechanism on human rights; and welcoming also the holding of the Association of South-East Asian Nations Colloquium on Human Rights at Manila on 16 and 17 January 1994, the first in a series of workshops to be organized by the ASEAN Institute of Strategic and International Studies, intended, *inter alia*, to lead and facilitate the process of developing a subregional human rights body for the promotion and protection of human rights in the ASEAN countries,

Recognizing the valuable contribution that independent national institutions can make in the field of human rights to the concept of regional arrangements, Recognizing also that non-governmental organizations involved in the field of human rights have a valuable role in this process,

Recalling the contribution made by the second Workshop for the Asia and Pacific Region on Human Rights Issues, held at Jakarta from 26 to 28 January 1993, particularly its Chairman's concluding remarks,

Welcoming the decision of the Government of the Republic of Korea to host an Asia-Pacific regional meeting on human rights at Seoul in 1994,

1. Welcomes the report of the Secretary-General (E/CN.4/1994/40) and the progress achieved in the implementation of Commission on Human Rights resolution 1993/57 of 9 March 1993;

2. Encourages all States members and associate members of the Economic and Social Commission for Asia and the Pacific and other parties to make full use of the depositary centre of that Commission, and requests the Secretary-General to maintain a continuing flow of human rights materials to its library;

3. Also encourages the United Nations development agencies in the Asian and Pacific region to coordinate with the Economic and Social Commission for Asia and the Pacific and other United Nations agencies in their efforts to promote the human rights dimension in their activities;

4. Welcomes the regional workshops on various human rights issues which have been held in the Asian and Pacific region, namely the Seminar on National, Local and Regional Arrangements for the Promotion and Protection of Human Rights in the Asian Region, held at Colombo from 21 June to 2 July 1982, the first Workshop for the Asia and Pacific Region on Human Rights, held at Manila, from 7 to 11 May 1990, and the second Workshop for the Asia and Pacific Region on Human Rights Issues, held at Jakarta from 26 to 28 January 1993, all of which focused on national institutions and regional arrangements for the promotion and protection of human rights;

5. Also welcomes the establishment of national commissions for human rights by the Governments of India and Indonesia, and the decisions concerning and the preparatory steps being taken towards the establishment of national institutions for the promotion and protection of human rights by the Governments of Papua New Guinea, Sri Lanka and Thailand;

6. Endorses the decision of the Government of the Republic of Korea to host an Asia-Pacific regional meeting in 1994 at Seoul on the region's consultative mechanism;

7. Requests the Secretary-General to facilitate the realization of the decision of the Government of the Republic of Korea to hold that regional meeting under the regular budget for advisory services and technical assistance;

8. Encourages all States in the Asian and Pacific region to consider further the establishment of regional arrangements for the promotion and

protection of human rights, taking into account the various approaches and mechanisms identified in the Chairman's concluding remarks at the second Asia-Pacific Workshop held at Jakarta;

9. Appeals to all Governments in the Asian and Pacific region to consider making use of the possibility offered by the United Nations to organize, under the programme of advisory services and technical assistance for the promotion and protection of human rights, information and/or training courses at the national or regional level for appropriate government personnel on the application of international human rights standards and the experience of relevant national and international organs;

10. Requests the Secretary-General to give adequate attention to the countries in the Asian and Pacific region as regards benefiting from all the activities under the programme of advisory services and technical assistance in the field of human rights, particularly in the light of interest in the region in developing national institutions and regional arrangements for the promotion and protection of human rights;

11. Appeals to the Secretary-General to make more resources available for the strengthening or the establishment of regional arrangements for the promotion and protection of human rights under the programme of advisory services and technical assistance of the Centre for Human Rights;

12. Encourages States in the Asian and Pacific region to request assistance for such purposes as regional and sub-regional workshops, seminars and information exchanges designed to strengthen regional cooperation for the promotion and protection of human rights;

13. Also encourages all States in the Asian and Pacific region to consider ratifying and acceding to international human rights instruments adopted within the framework of the United Nations system, with the aim of universal acceptance;

14. Requests the Secretary-General to consult the States in the Asian and Pacific region on the widest possible basis in the implementation of the present resolution;

15. Also requests the Secretary-General to submit to the Commission at its fifty-first session a further report incorporating information on the progress achieved in the implementation of the present resolution;

16. Decides to continue its consideration of the question at its fifty-first session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

56th meeting
4 March 1994
[Adopted by a roll-call vote of 45 to 1,
with 7 abstentions. See chap. XI.]

1994/49. The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)

The Commission on Human Rights,

Convinced that HIV/AIDS-related discrimination is a contravention of the fundamental principle of non-discrimination as reaffirmed in the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights,

Recalling General Assembly resolutions 45/187 of 21 December 1990 and 46/203 of 20 December 1991, Economic and Social Council resolution 1990/86 of 27 July 1990, World Health Assembly resolutions WHA41.24 of 13 May 1988, WHA43.10 of 16 May 1990, WHA45.35 of 14 May 1992 and WHA46.37 of 14 May 1993, general recommendation 15 of the Committee on the Elimination of Discrimination against Women and other relevant resolutions and decisions adopted by organizations of the United Nations system, as well as by other competent forums,

Recalling its resolution 1990/65 of 7 March 1990, in which it endorsed the appointment by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of Mr. Luis Varela Quirós to undertake a study on problems and causes of discrimination against people infected with human immunodeficiency virus (HIV) or people with acquired immunodeficiency syndrome (AIDS), and its resolutions 1992/56 of 3 March 1992 and 1993/53 of 9 March 1993 concerning discrimination against people with HIV infection or AIDS,

Acknowledging the significant role of the World Health Organization, within the framework of the global strategy for the prevention and control of AIDS, in combating discrimination against HIV-infected persons, including people with AIDS,

Recognizing the major contribution made by national and international non-governmental organizations, in particular organizations of people with HIV/AIDS, and the International Federation of Red Cross and Red Crescent Societies in fighting discrimination against and advocating the rights of people living with HIV/AIDS,

Noting with appreciation the Rights and Humanity Declaration and Charter on HIV and AIDS, transmitted to the Commission at its forty-eighth session by the Permanent Mission of the Gambia to the United Nations (E/CN.4/1992/82),

Recognizing that the challenges presented by HIV/AIDS require renewed efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all,

Concerned that lack of full enjoyment of their fundamental rights by persons suffering from economic, social or legal disadvantage heightens their vulnerability to the risk of HIV infection, Noting that, according to a report submitted to the Commission on the Status of Women at its thirty-third session (E/CN.6/1989/6/Add.1), women are especially vulnerable to the risk of HIV infection and to the economic and social impact of AIDS as a result of their disadvantageous legal, social and economic status,

Alarmed at discriminatory laws and policies and the emergence of new forms of discriminatory practices which deny people with HIV infection or AIDS, their families and associates enjoyment of their fundamental rights and freedoms,

Concerned that the fear and ignorance surrounding AIDS are leading to increased stigmatization of and prejudice against people with HIV/AIDS or presumed to be at risk of infection, sometimes resulting in intimidation, harassment or violence against such individuals, as well as to arbitrary detention and deportation,

Bearing in mind that, as recognized by the World Health Assembly in its resolution WHA45.35, there is no public health rationale for any measures that limit the rights of the individual, notably measures establishing mandatory screening,

Recognizing that anti-discrimination measures form a component part of an effective public health strategy,

Stressing that discrimination and stigmatization are counter-productive to measures to prevent and control HIV/AIDS,

Emphasizing the responsibility of Governments, in a spirit of human solidarity and tolerance, to counter social stigmatization of and discrimination against those affected by HIV/AIDS, their families and those with whom they live, and people considered to be at risk of infection,

1. Calls upon all States to ensure that their laws, policies and practices, including those introduced in the context of HIV/AIDS, respect human rights standards and do not have the effect of inhibiting programmes for the prevention of HIV/AIDS and for the care of persons infected with HIV/AIDS;

2. Also calls upon all States to take all the necessary steps, including appropriate and speedy redress procedures, to ensure the full enjoyment of civil, political, economic, social and cultural rights by people with HIV/AIDS, their families and those in any way associated with them, and people presumed to be at risk of infection, with particular attention to women, children and vulnerable groups, in order to prevent discriminatory action against them or their social stigmatization, and to ensure their access to the necessary care and support;

3. Urges all States to include in their AIDS programmes measures to combat social stigmatization, discrimination and violence directed against persons with HIV/AIDS, and to take the necessary steps to develop the supportive social environment necessary for the effective prevention and care of AIDS;

4. Also urges all States to review their legislation and practice to ensure the right to privacy and integrity of persons with HIV/AIDS and those presumed to be at risk of infection;

5. Invites the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and other similar bodies to give full attention to monitoring States parties' compliance with their commitments under the relevant human rights instruments regarding the rights of people infected with HIV/AIDS, their families and people with whom they live, or people presumed to be at risk of infection;

6. Urges relevant working groups and special rapporteurs to consider in their reports the impact of HIV/AIDS on the enjoyment of human rights;

7. Welcomes the preliminary, progress and final reports of Mr. Luis Varela Quirós, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on discrimination against HIV-infected people or people with AIDS (E/CN.4/Sub.2/1990/9, E/CN.4/Sub.2/1991/10, E/CN.4/Sub.2/1992/10 and E/CN.4/Sub.2/1993/9), and requests the Secretary-General to bring these reports to the attention of the relevant bodies of the United Nations system, specialized agencies, working groups and special rapporteurs, as well as to the human rights treaty bodies, the World Bank and other relevant financial institutions, and those concerned with the status of women;

8. Also welcomes resolution EB93.R5 of 21 January 1994 adopted by the Executive Board of the World Health Organization, in which the Executive Board recommended the development and eventual establishment of a joint and co-sponsored United Nations programme on HIV/AIDS and urged that human rights concerns be incorporated into the strategies implementing the new programme;

9. Expresses its grave concern about the risk which the continuing exploitation of children and child prostitution pose for the transmission of HIV, and calls upon the Special Rapporteur on the sale of children, child prostitution and child pornography, the Committee on the Rights of the Child and the Working Group on Contemporary Forms of Slavery to pay sustained attention to this question;

10. Calls upon relevant professional bodies to re-examine their codes of professional practice with a view to strengthening respect for human rights and dignity in the context of HIV/AIDS, and calls upon the relevant authorities to develop training in this regard;

11. Requests the Secretary-General to prepare for the consideration of the Commission at its fifty-first session a report on international and domestic measures taken to protect human rights and prevent discrimination in the context of HIV/AIDS and to make appropriate recommendations thereon.

56th meeting
4 March 1994
[Adopted without a vote. See chap. XI.]

1994/50. Strengthening of the rule of law

The Commission on Human Rights,

Recalling that the achievement of international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all, without any distinction as to race, sex, language and religion, is one of the purposes of the United Nations,

Recalling also that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that, as stressed in the Universal Declaration of Human Rights, the rule of law is an essential factor in the protection of human rights,

Convinced also that, through their own national legal and judicial systems, States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Considering that the rule of law contributes to the proper maintenance of law and order and the legal development of social relations and provides a means of ensuring that the State does not exercise its powers in an arbitrary way,

Considering also that, under the provisions of the Universal Declaration of Human Rights, everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized,

Bearing in mind the various resolutions adopted on the programme of advisory services in the field of human rights, most recently its resolution 1993/87 of 10 March 1993, and the need to strengthen that programme and to make it more effective,

Recognizing that, particularly in developing countries which are fully committed to human rights and may face difficulties in this area, the United Nations system should contribute with technical, material and financial resources to assist those Governments that so request to develop and strengthen the rule of law with a view to ensuring respect for human rights and fundamental freedoms,

Recognizing the need for the United Nations to equip itself with the mechanisms required for making a more positive and significant contribution to strengthening the rule of law in countries engaged in such efforts,

Aware that, to that end, the Centre for Human Rights should be able to offer concrete technical advice and financial support to national projects aiming at the improvement of the human rights situation, *Recalling* its resolutions 1992/51 of 3 March 1992 and 1993/50 of 9 March 1993, both entitled "Strengthening of the rule of law",

Noting with appreciation that the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights on 25 June 1993 recommended that priority be given to national and international action to promote democracy, development and human rights,

Recalling General Assembly resolution 48/132 of 20 December 1993, entitled "Strengthening of the rule of law",

1. *Endorses* the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations, to be coordinated by the Centre for Human Rights, in order to help States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law;

2. *Expresses its conviction* that such a programme should be able to provide, upon the request of the interested Government, technical and financial assistance for the implementation of national plans of action as well as specific projects in reforming penal and correctional establishments, education and training of lawyers, judges and security forces in human rights, and any other sphere of activity relevant to the proper functioning of the rule of law;

3. *Underlines* the importance of the request made by the General Assembly to the Secretary-General, in accordance with the recommendation contained in the Vienna Declaration and Programme of Action, part II, paragraph 70, to submit concrete proposals to the General Assembly at its forty-ninth session containing alternatives for the establishment, structure, operational modalities and funding of the proposed programme, taking into account existing programmes and activities already undertaken by the Centre for Human Rights;

4. *Decides* to remain actively seized of this question, with a view to further elaborating the outline of the proposed programme;

5. *Also decides* to continue its consideration of this question at its fifty-first session, under the agenda sub-item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms", in the light of the proposals of the Secretary-General.

56th meeting
4 March 1994
[Adopted without a vote. See chap. XI.]

1994/51. Proclamation of a decade for human rights education

The Commission on Human Rights,

Guided by the fundamental and universal principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming article 26 of the Universal Declaration of Human Rights, according to which "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms",

Bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted at the World Conference on Human Rights on 25 June 1993, and in particular section D on human rights education,

Recalling the provisions of other international human rights instruments, such as article 13 of the International Covenant on Economic, Social and Cultural Rights and article 29 of the Convention on the Rights of the Child,

Further recalling its resolution 1993/56 of 9 March 1993, in which the Commission recommended that knowledge of human rights, both in its theoretical dimension and in its practical application, should be established as a priority in educational policies,

Bearing in mind General Assembly resolution 48/127 of 20 December 1993, in which the Assembly requested the Commission to consider proposals for a United Nations decade for human rights education, which should be incorporated by the Secretary-General into a plan of action for such a decade and submitted, through the Economic and Social Council, to the General Assembly at its forty-ninth session with a view to the proclamation of a decade for human rights education,

Convinced that human rights education is a priority in that it contributes to a concept of development consistent with the dignity of the human person which takes account of the various segments of society such as children, women, indigenous peoples, racial minorities and disabled persons,

Aware that human rights education involves more than providing information to students but, rather, is a comprehensive life-long process by which people at all levels of development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Taking into account the efforts to promote human rights education made by educators and non-governmental organizations in all parts of the world, as well as by intergovernmental organizations, including the United Nations Educational, Scientific and Cultural Organization, the International Labour Organisation and the United Nations Children's Fund,

Convinced that individuals must come to know human rights as a comprehensive concept encompassing their civil, cultural, economic, political and social rights,

1. Requests the Economic and Social Council to request the General Assembly to proclaim the 10-year period beginning on 1 January 1995 as the decade for human rights education;

2. Requests the Secretary-General to consider the establishment of a voluntary fund for human rights education, with special provision for support of the human rights education activities of non-governmental organizations, to be administered by the secretariat of the United Nations Centre for Human Rights, as requested in General Assembly resolution 48/127, paragraph 5;

3. Urges States to develop programmes and books for the teaching of human rights in primary and secondary education;

4. Also urges all Member States, the specialized agencies and the non-governmental organizations to develop plans of work and to consider allocating resources to contribute to the objectives of the decade for human rights education, taking into account the multi-ethnic character of many societies and the special needs of groups such as children, women, indigenous populations, minorities and disabled persons;

5. Further urges all Member States, the specialized agencies and the non-governmental organizations to provide technical and financial cooperation, including measures of support for human rights education programmes and the allocation of funds for the attainment of the objectives of the decade for human rights education;

6. Encourages the human rights monitoring bodies, in particular the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women, to intensify their efforts in relation to the implementation by States parties of their possible treaty-based obligations regarding education and aspects of education linked to human rights;

7. Also encourages the monitoring bodies to consider requesting States parties to include in the reports called for under the respective human rights treaties, information relating to the context and scope of formal and informal human rights education;

8. Invites the chairpersons of the human rights monitoring bodies to reflect on how each committee could best contribute, within its global perspective, to the promotion of human rights education;

9. Encourages the United Nations High Commissioner for Human Rights, acting in cooperation with Member States, the monitoring bodies, intergovernmental organizations, competent non-governmental organizations and other relevant organs, to include among his specific objectives a plan of action for the "United Nations decade for human rights education";

10. Invites the Secretary-General to submit to the General Assembly at its forty-ninth session, through the Economic and Social Council, a plan of action incorporating any additional activities which might result from consultations with the High Commissioner for Human Rights, Member States,

bodies specializing in the field, governmental organizations, non-governmental organizations and other appropriate bodies, as provided for in General Assembly resolution 48/127, paragraph 4;

11. Decides to continue the consideration of this question at its fifty-first session under an appropriate agenda item.

56th meeting
4 March 1994
[Adopted without a vote. See chap. XI.]

1994/52. Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights

The Commission on Human Rights,

Reaffirming that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the purposes of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations, and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms,

Recalling previous General Assembly and its own resolutions on this subject,

Recognizing the catalytic effect of United Nations initiatives on national and regional public information activities in the field of human rights,

Acknowledging the valuable role that non-governmental organizations can play in this endeavour,

Believing that the World Public Information Campaign for Human Rights is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights, and recalling the importance attached by the World Conference on Human Rights to strengthening the World Campaign,

Welcoming the appointment of the High Commissioner for Human Rights with the function, inter alia, of coordinating relevant United Nations education and public information programmes in the field of human rights, in accordance with General Assembly resolution 48/141 of 20 December 1993,

1. Takes note with appreciation of the report of the Secretary-General on the development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights (E/CN.4/1994/36 and Add.1);

2. Appreciates the measures taken by the Secretariat to ensure the further production and effective dissemination of human rights information

materials in regional and local languages, in cooperation with regional, national and local organizations, as well as with Governments, in particular as a component of the technical assistance projects of the Centre for Human Rights, and encourages the Secretary-General to ensure the widest possible dissemination of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights and of information on its follow-up activities;

3. Requests the Centre for Human Rights to finalize its comprehensive review of the programme of information and publications in the field of human rights, including the elaboration of a new information strategy as described in the report of the Secretary-General, and to make an assessment of the effectiveness of this programme, and encourages the Centre to continue its efforts towards streamlining and focusing its publications programme;

4. Encourages the Centre to continue the development of training courses and materials, including targeted training manuals for professional audiences, as described in the report of the Secretary-General, welcomes the convening in 1993 of expert meetings for the purpose of elaborating training manuals, and encourages the continuation of this procedure;

5. Welcomes the publication of the Human Rights Bibliography (United Nations publication, Sales No. GV.92.0.16) by the Centre for Human Rights and the United Nations Library and its availability in electronic format through the United Nations Bibliographic Information System, and encourages the Centre actively to explore further possibilities for the production of computer-accessible human rights information and human rights databases;

6. Urges the Secretary-General to utilize more fully and effectively United Nations information centres for the purpose of timely dissemination, within their designated areas of activity, of basic information and reference materials on human rights and fundamental freedoms, including the reports of States parties to treaty-monitoring bodies, and, to this end, to ensure that United Nations information centres are supplied with adequate quantities of those materials, both in the official languages of the United Nations and in the relevant national languages;

7. Requests the Department of Public Information to make full use of its available resources to produce audiovisual materials on human rights issues, as specifically requested in General Assembly resolution 45/99, of 14 December 1990, paragraph 4;

8. Requests the Secretary-General to take advantage as much as possible of the collaboration of non-governmental organizations in the implementation of the World Public Information Campaign, including in the dissemination of human rights materials;

9. Encourages all Member States to make special efforts to provide, facilitate and promote publicity for the activities of the United Nations in the field of human rights, to accord priority to the dissemination in their respective national and local languages of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international

instruments and to provide information and education on the practical ways in which the rights and freedoms enjoyed under these instruments can be exercised;

10. Supports the recommendation contained in the Vienna Declaration and Programme of Action (part II.D) adoped by the World Conference on Human Rights that Member States develop specific programmes and strategies for ensuring the widest human rights education and the dissemination of public information, taking particular account of the human rights needs of women, and encourages Member States, in drawing up national action plans for the promotion and protection of human rights, to include broad-based education and public information programmes on human rights;

11. Stresses that the Centre for Human Rights should have full responsibility for all United Nations publications in the field of human rights and, in this context, requests the Secretary-General to consider redeploying the financial and human resources within the Department of Public Information currently devoted to the above-mentioned human rights activities to the Centre for Human Rights, as part of his efforts towards strengthening the Centre for Human Rights, to implement the Vienna Declaration and Programme of Action and to support the newly established office of the High Commissioner for Human Rights;

12. Requests the Secretary-General to submit to the Commission, at its fifty-first session, a report on public information activities, with special emphasis on the activities of the World Public Information Campaign for Human Rights, including information on expenditures incurred in 1993 and those envisaged for future activities and other questions raised in the present resolution;

13. Decides to continue its consideration of the question at its fifty-first session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

56th meeting
4 March 1994
[Adopted without a vote. See chap. XI.]

1994/53. Human rights and thematic procedures

The Commission on Human Rights,

Considering that, over the years, thematic procedures established by the Commission with regard to the consideration of questions related to the promotion and protection of civil and political rights have earned an important position among its human rights monitoring mechanisms,

Noting with satisfaction that an increasing number of Governments, as well as non-governmental organizations, have developed a working relationship with one or more of the thematic procedures, Recalling its resolutions 1991/31 of 5 March 1991, 1992/41 of 28 February 1992 and 1993/47 of 9 March 1993,

Recalling also its various resolutions in which it urged Governments to intensify their cooperation with the thematic special rapporteurs and working groups, and to provide information requested on any measures taken in pursuance of recommendations addressed to them,

Recalling further recommendations contained in the Vienna Declaration and Programme of Action (A/CONF.157/23), especially in part II, paragraph 95, in which the World Conference on Human Rights underlined the importance of preserving and strengthening the system of special procedures, rapporteurs, representatives, experts and working groups of the Commission,

Recalling the first meeting of the special rapporteurs, representatives, experts and members or chairmen of working groups of the Commission on Human Rights, held from 14 to 16 June 1993 on the occasion of the World Conference on Human Rights,

Noting that some human rights violations are specific to or primarily directed against women, and that the identification and reporting of these violations demand specific awareness and sensitivity,

1. Commends those Governments that have invited the thematic special rapporteurs or working groups to visit their countries;

2. Recommends that Governments consider follow-up visits designed to assist them with effective implementation of recommendations by the thematic special rapporteurs and working groups;

3. Encourages Governments to respond expeditiously to requests for information made to them through the procedures, so that the thematic special rapporteurs concerned, the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention may carry out their mandates effectively;

4. Also encourages Governments encountering problems in the field of human rights to cooperate more closely with the Commission through the pertinent thematic procedures, in particular by inviting a thematic special rapporteur or working group to visit their countries;

5. Invites the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed promptly on the progress made towards their implementation;

6. Invites the thematic special rapporteurs and working groups to include in their annual reports information provided by Governments on follow-up action, as well as their own observations thereon;

7. Also invites the non-governmental organizations to continue their cooperation with thematic procedures;

8. Encourages the thematic special rapporteurs and working groups to make recommendations for the avoidance of human rights violations;

9. Also encourages the thematic special rapporteurs and working groups to follow closely the progress made by Governments in their investigations carried out within their respective mandates;

10. Further encourages the thematic special rapporteurs and working groups to continue close cooperation with relevant treaty monitoring bodies and country rapporteurs;

11. Requests the thematic special rapporteurs and working groups to include in their reports comments on problems of responsiveness and the result of analyses, as appropriate, in order to exercise their mandates even more effectively, and to include also in their reports suggestions for areas where Governments might request relevant assistance through the advisory services programme administered by the Centre for Human Rights;

12. Calls on the thematic special rapporteurs and working groups to include in their reports gender-disaggregated data and to address the characteristics and practice of human rights violations under their mandates that are specifically or primarily directed against women, or to which women are particularly vulnerable, in order to assure the effective protection of their human rights;

13. Requests the Secretary-General, in close collaboration with the thematic special rapporteurs and working groups, to issue annually their conclusions and recommendations, so as to enable further discussion of their implementation at subsequent sessions of the Commission;

14. Welcomes the joint declaration (A/CONF.157/9) of the independent experts responsible for the special procedures for the protection of human rights, of 17 June 1993;

15. Requests the Secretary-General to consider the possibility of convening further periodic meetings of all the thematic special rapporteurs and the chairmen of working groups of the Commission on Human Rights in order to enable them to continue to exchange views, cooperate more closely and make recommendations;

16. Also requests the Secretary-General, in implementing the United Nations budget for the biennium 1994-1995, to ensure the availability of such resources as are necessary for the effective implementation of all thematic mandates, including any additional tasks entrusted to the thematic special rapporteurs and working groups by the Commission.

56th meeting
4 March 1994
[Adopted without a vote. See chap. XI.]

1994/54. *National institutions for the promotion and protection of human rights*

The Commission on Human Rights,

Recalling its relevant resolutions and those of the General Assembly concerning national institutions for the promotion and protection of human rights, notably its resolutions 1990/73 of 7 March 1990, 1991/27 of 5 March 1991, 1992/54 of 3 March 1992 and 1993/55 of 9 March 1993, and General Assembly resolutions 44/64 of 8 December 1989, 46/124 of 17 December 1991 and 48/134 of 20 December 1993,

Stressing the importance of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments for promoting respect for, and observance of, human rights and fundamental freedoms,

Affirming that priority should be accorded to the development of appropriate arrangements to ensure the effective implementation of international human rights standards,

Convinced of the important role that can be played by national institutions in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that the United Nations has played and should continue to play an important role in assisting the development of national institutions,

Recalling that, in General Assembly resolution 48/134, the Assembly welcomed the Principles relating to the status of national institutions, annexed to that resolution,

Welcoming the growing interest shown worldwide in the creation and strengthening of national institutions expressed during the regional preparatory meetings for the World Conference on Human Rights and at the Conference itself, held at Vienna from 14 to 25 June 1993, as well as at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights, held in Paris from 7 to 9 October 1991, the Commonwealth Workshop on National Human Rights Institutions, held at Ottawa from 30 September to 2 October 1992, the Workshop for the Asia-Pacific Region on Human Rights Issues, held at Jakarta from 26 to 28 January 1993, and the second International Workshop on National Institutions for the Promotion and Protection of Human Rights, held at Tunis from 13 to 17 December 1993,

Welcoming with particular satisfaction the convening of the second International Workshop on National Institutions for the Promotion and Protection of Human Rights, and noting the decisions and recommendations adopted by national institutions at that meeting relating to the strengthening of national institutions, as well as the recommendations on the protection of disabled persons, children, women, migrants and those subject to arbitrary detention and torture (E/CN.4/1994/45, chap. VI), *Welcoming also* the decisions, announced recently by several States, to establish, or consider establishing, independent national institutions for the promotion and protection of human rights,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, in which was reaffirmed the important constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, their role in remedying human rights violations, and in the dissemination of human rights information and education concerning human rights,

Noting in particular that the World Conference urged Governments to strengthen national institutions which play a role in promoting and safeguarding human rights,

Noting with satisfaction the constructive participation of representatives of a number of national institutions for the promotion and protection of human rights in international seminars and workshops organized or sponsored by the United Nations and its Member States and in other United Nations activities,

1. *Reaffirms* the importance of the development, in accordance with national legislation, of effective national institutions for the promotion and protection of human rights and of ensuring the pluralism of their membership and their independence;

2. *Encourages* all Member States to take appropriate steps to promote the exchange, including by national institutions, of information and experience concerning the establishment and operation of such national institutions;

3. *Also encourages* Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action (A/CONF.157/23), and, where appropriate, to incorporate those elements in national development plans or in their preparation of national action plans;

4. *Emphasizes* in this regard the need to disseminate the Principles relating to the status of national institutions, annexed to General Assembly resolution 48/134 of 20 December 1993, as widely as possible, and calls upon the Secretary-General to undertake this task;

5. *Affirms* the role of national institutions, where they exist, as appropriate agencies for the dissemination of human rights materials and other public information activities under the auspices of the United Nations;

6. *Recognizes* the important and constructive role that non-governmental organizations can play in cooperation with national institutions for the better promotion and protection of human rights;

7. *Welcomes* the decision taken by national institutions at the second International Workshop on National Institutions for the Promotion and

Protection of Human Rights (Tunis, 13-17 December 1993) to establish a Coordinating Committee which will hold meetings under the auspices of and in cooperation with the Centre for Human Rights and, in close cooperation with the Centre for Human Rights, will assist national institutions to follow up the relevant resolutions and recommendations concerning the strengthening of national institutions, including those contained in the report of the Workshop (E/CN.4/1994/45 and Add.1);

8. Requests the Secretary-General to give a high priority to requests from Member States for assistance in the establishment and strengthening of national institutions for the promotion and protection of human rights as part of the programme of advisory services and technical assistance in the field of human rights;

9. Requests the Centre for Human Rights, with the assistance of national institutions and their Coordinating Committee, to provide technical assistance for States wishing to establish or strengthen their national institutions and to organize training programmes for national institutions which request them, and invites Governments to contribute additional funds to the Voluntary Fund for Technical Cooperation in the Field of Human Rights for these purposes;

10. Requests the Secretary-General to convene a third international workshop on national institutions for the promotion and protection of human rights during 1995 in either Latin America or Asia, to invite Governments and intergovernmental organizations to contribute to the Voluntary Fund and to finance attendance by representatives of national institutions from the Voluntary Fund;

11. Requests the Secretary-General to prepare a report, to be submitted to the Commission at its fifty-first session, drawing on comments by States and national institutions and recalling the World Conference on Human Rights, concerning possible forms of participation by national institutions in United Nations meetings dealing with human rights;

12. Decides to continue its consideration of this question at its fifty-first session.

56th meeting
4 March 1994
[Adopted without a vote. See chap. XI.]

1994/55. Strengthening the Centre for Human Rights

The Commission on Human Rights,

Recalling all relevant General Assembly resolutions as well as its own resolutions on this question, Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the Charter of the United Nations and one of the main priorities of the Organization,

Recalling that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights stresses the importance of strengthening the Centre for Human Rights,

Recalling also that the Secretary-General, in his reports on the work of the Organization for 1992 (A/47/1) and 1993 (A/48/1), stated that "the Charter of the United Nations places the promotion of human rights as one of our priority objectives, along with promoting development and preserving international peace and security", and that "in the course of 1993, the activities of the Centre for Human Rights at Geneva underwent a significant expansion in the five main areas of its work",

Recalling further that the Commission, in paragraph 30 of its report (E/CN.4/1988/85 and Corr.1) to the Special Commission of the Economic and Social Council, reaffirmed that "the paramount consideration in the employment of staff at every level is the need for the highest standards of efficiency, competence and integrity, and is convinced that this is compatible with the principle of equitable geographical distribution" and, bearing in mind Article 101, paragraph 3, of the Charter of the United Nations, emphasizing the desirability of paying particular attention to the recruitment to the Centre for Human Rights of persons from under-represented countries,

Recalling, in this context, the relevant resolutions of the General Assembly on the improvement of the status of women in the Secretariat urging the Secretary-General to accord greater priority to the recruitment and promotion of women,

Welcoming the decision by the General Assembly in its resolution 48/141 of 20 December 1993 to establish the post of High Commissioner for Human Rights as well as the mandate for the post, including its overall coordinating role and its supervisory function in relation to the Centre for Human Rights, as well as the request by the General Assembly for appropriate staff and resources for the High Commissioner for Human Rights,

Emphasizing the important role of the Centre for Human Rights as the coordinating unit within the United Nations system in the promotion, protection and implementation of human rights and the need to provide it with sufficient human and financial resources, particularly in view of the fact that its workload has dramatically increased while resources have failed to keep pace with the expansion of its responsibilities,

Noting that the activities envisaged in the Vienna Declaration and Programme of Action will add further to the workload and the responsibilities of the Centre for Human Rights, Noting also that the difficult financial situation of the Centre for Human Rights has created considerable obstacles in implementing the various procedures and mechanisms and negatively influenced the servicing by the secretariat of the human rights machinery,

Acknowledging that further improvement of the functioning and efficiency of the Centre for Human Rights, together with a strong emphasis on good management practice, is needed in order to enable the Centre to cope with the constantly increasing workload,

Noting with appreciation the measures already taken by the Assistant Secretary-General for Human Rights aimed at improving the administration and management of the Centre for Human Rights,

Noting also that, to improve the functioning and efficiency of the Centre for Human Rights, good management practice needs to be complemented by additional resources commensurate with the additional mandates,

1. Requests the Secretary-General to enhance further the role and importance of the Centre for Human Rights, under the overall supervision of the High Commissioner for Human Rights, as the coordinating unit within the United Nations system with respect to human rights;

2. Welcomes the endorsement by the General Assembly in its resolution 48/129 of 20 December 1993 of the recommendations of the World Conference on Human Rights concerning the strengthening of the Centre for Human Rights, as contained in the Vienna Declaration and Programme of Action (A/CONF.157/23);

3. Takes note of the report of the Secretary-General (E/CN.4/1994/74) on the measures taken to implement the resolution referred to in paragraph 2 above;

4. Requests the Secretary-General to ensure that sufficient resources from within the regular budget of the United Nations are accorded, as a matter of urgency, to the Centre for Human Rights to enable it to undertake all its functions, in full and on time;

5. Requests in particular the Secretary-General and the General Assembly to ensure that appropriate additional staff and resources from within the existing and future regular budgets of the United Nations are accorded to the Centre for Human Rights to enable it to carry out, in full and on time, the mandates contained in the Vienna Declaration and Programme of Action without diverting resources from development programmes and activities of the United Nations;

6. Emphasizes the need to provide appropriate staff and resources from within the existing and future regular budgets of the United Nations to enable the High Commissioner for Human Rights to carry out his mandate with the assistance of the Centre for Human Rights;

7. Emphasizes also that further steps should be undertaken to analyse the present and future utilization of available human and financial resources

and, while noting with appreciation the measures recently taken by the Assistant Secretary-General for Human Rights aimed at improving the management of the Centre, that additional measures should be taken to improve further the administrative efficiency and effectiveness of the Centre for Human Rights, if required with appropriate technical assistance;

8. *Decides* to consider the question of strengthening the Centre for Human Rights, including measures taken in furtherance of the present resolution, at its fifty-first session.

56th meeting
4 March 1994
[Adopted without a vote. See chap. XI.]

1994/56. *Composition of the staff of the Centre for Human Rights*

The Commission on Human Rights,

Recalling Article 101, paragraph 3, of the Charter of the United Nations, which states that the paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity, and that due regard shall be paid to the importance of recruiting staff on as wide a geographical basis as possible,

Also recalling that in the Vienna Declaration and Programme of Action (A/CONF.157/23), part II, paragraph 11, the World Conference on Human Rights requested the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities,

Taking into account the need to pay particular attention to the recruitment to the Centre for Human Rights of personnel from developing countries and in this regard to improve the current composition of the staff of the Centre on the basis of a more equitable geographical distribution,

1. *Reaffirms* that Article 101, paragraph 3, of the Charter of the United Nations should guide the Secretary-General in his policy for the recruitment of the staff of the Organization, in particular taking into account the criterion of equitable geographical distribution;

2. *Requests* the Secretary-General to adopt the necessary measures to pay particular attention to the recruitment to the Centre for Human Rights of personnel from developing countries, to ensure equitable geographical distribution, and in this regard to give priority in particular to recruitment to high-level and Professional posts and also to the recruitment of women;

3. *Also requests* the Secretary-General to present to the Fifth Committee of the General Assembly at its forty-ninth session, through

the Economic and Social Council, a report on the current geographical distribution of posts in the staff of the Centre for Human Rights in order to evaluate the implementation of the present resolution;

4. Decides to consider this matter at its fifty-first session.

56th meeting
4 March 1994
[Adopted by a roll-call vote of 36 to 15,
with 2 abstentions. See chap. XI.]

1994/57. Situation of human rights in Albania

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling its resolution 1993/65 of 10 March 1993,

Taking note of the report of the Secretary-General submitted pursuant to Commission resolution 1993/65 (E/CN.4/1994/75),

Welcoming the legislative and administrative measures taken by the Government of Albania to guarantee and promote the observance of human rights in Albania,

Welcoming also the willingness of the Government of Albania to cooperate with the Commission on Human Rights and the Centre for Human Rights,

1. Calls upon the Government of Albania to pursue its positive steps towards meeting the requirements under the International Bill of Human Rights and other relevant international instruments, by which the human rights and fundamental freedoms of all Albanian citizens, including the rights of persons belonging to minorities, will be effectively promoted and guaranteed;

2. Encourages technical cooperation between the Centre for Human Rights and the Voluntary Fund for Technical Cooperation in the Field of Human Rights, on the one hand, and the Government of Albania, on the other, on the basis of the Agreement concluded on 13 February 1992;

3. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Albania and to invite it to provide information regarding its implementation;

(b) To report to the Commission at its fifty-first session on the implementation of the present resolution.

56th meeting
4 March 1994
[Adopted without a vote. See chap. XIX.]

1994/58. Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms, even under exceptional circumstances,

Recalling its resolution 1993/88 of 10 March 1993,

Taking into account Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1993/16 of 20 August 1993,

Having considered the reports of the Special Rapporteur on the question of torture (E/CN.4/1994/31), the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26 and Corr.1 and Add.1) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7 and Corr.1-2 and Add.1-2),

Having considered also the report of the independent expert, Ms. Mónica Pinto (E/CN.4/1994/10), and studied the conclusions and recommendations contained therein,

Welcoming the mobilization of the people of Guatemala, which has made possible the restoration of the constitutional order and the rule of law following the events of 25 May 1993, and which has led to the appointment as constitutional President of the Republic of Mr. Ramiro de León Carpio, whose work as Human Rights Procurator has been widely recognized by Guatemalan society,

Taking into account the fact that the continuation of the internal armed conflict is a factor affecting the human rights situation in Guatemala,

Taking note of the legal and institutional reforms introduced by the Government with a view to combating impunity and guaranteeing the full enjoyment of human rights and fundamental freedoms for everyone in Guatemala,

Concerned by the fact that there continue to be human rights violations attributed to members of the armed forces and security forces, and to the so-called voluntary civil self-defence committees, Concerned also by the fact that situations of impunity continue to exist and that in cases of human rights violations there has been little progress in the investigations and/or judicial proceedings,

Concerned further at the situation of the displaced population in the areas affected by the internal armed conflict, especially in the so-called communities in resistance,

Regretting the serious human rights violations and marginalization that have been suffered by the indigenous populations in Guatemala,

Considering that the economic and social situation continues to have serious consequences, particularly for the indigenous populations and for the most vulnerable sectors of Guatemalan society, such as women and children,

Taking note with satisfaction of the process of repatriation of refugees that was initiated at the beginning of 1993,

Taking note also of the Framework Agreement for the resumption of the peace negotiations between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, signed at Mexico City on 10 January 1994,

Expressing the hope that the will shown by the Government and by the Unidad Revolucionaria Nacional Guatemalteca will lead to a prompt settlement of the internal armed conflict and will contribute to the establishment of firm and lasting peace, through the conclusion of the negotiations in the near future, including the signing of the human rights agreement, with international verification within the time-limits and on the terms agreed on by the parties, an agreement whose realization will contribute to full respect for the human rights of the whole of the Guatemalan people,

Recognizing the importance of the role that will be played by the representative of the Secretary-General as mediator in these negotiations, and of the participation of the Group of Friendly Countries composed of Colombia, Mexico, Norway, Spain, United States of America and Venezuela, and of civil society, on the terms established in the Framework Agreement,

Considering that it is necessary for the international community to continue to keep the human rights situation in Guatemala under review and to provide advisory services in the field of human rights, with the aim of promoting full respect for human rights and fundamental freedoms and supporting the efforts of the Government of Guatemala to that end,

1. Takes note with appreciation of the report submitted by the independent expert;

2. Expresses its gratitude to the Government of Guatemala for the facilities and cooperation afforded to the independent expert;

3. Recognizes the efforts made by President Ramiro de León Carpio and urges him to continue to adopt the necessary urgent measures to consolidate democratic institutions and to promote and protect human rights and fundamental freedoms;

4. Regrets that the undertaking by the Government of Guatemala to guarantee full enjoyment of human rights and fundamental freedoms has not yet assumed practical form through a more significant improvement, since serious violations of human rights continue to occur, particularly threats and intimidation and crimes against the lives and physical integrity of individuals;

5. Urges both parties to respect the applicable rules of international humanitarian law in the internal armed conflict and to refrain from any activities that may endanger the rights of the great majority of Guatemalans, who are not involved in this conflict;

6. Exhorts the Government of Guatemala to adopt the necessary legal and political measures to guarantee the independence of the judiciary and respect for its decisions, to intensify investigations aimed at identifying and bringing to justice all those responsible for violations of human rights, to provide compensation for the victims of such violations, to ensure that the judicial system can operate with due protection being afforded to judges, investigators, witnesses and relatives of victims, and to facilitate the activities of organizations, both official and non-governmental, concerned with the promotion and protection of human rights;

7. Again exhorts the Government of Guatemala to continue to apply the independent expert's recommendations, such as the abolition of the system of voluntary civil self-defence committees, starting in those areas in which there is no armed conflict and in accordance with the criteria established in the peace negotiations, and also exhorts it to promote the approval by Congress of the new law regulating the performance of military service and eliminating arbitrary recruitment practices;

8. Again appeals to the Government of Guatemala to intensify its efforts to ensure that all its authorities and the armed forces and security forces fully respect the human rights and fundamental freedoms of the Guatemalan people, and encourages it to include in the curricula and training programmes for personnel of the armed forces and security forces the constitutional provisions and the international commitments undertaken by the Government of Guatemala in the field of human rights;

9. Again exhorts the Government of Guatemala to expedite and develop legal and institutional reforms to put an end to the violence and impunity, paying particular attention to the implementation of the legal standards guaranteeing the rights and freedoms of the indigenous peoples and the most vulnerable sectors of the population, including street children;

10. Expresses its conviction that the pre-eminence of civilian authority in the national decision-making process is an indispensable

condition for the consolidation of the rule of law and the full realization of human rights, since it enables all sectors of Guatemalan society to support and respect civilian authority;

11. Recognizes the positive work done in defence of human rights by the Human Rights Procurator and exhorts the Government to give him support and to guarantee the conditions for the strengthening of his activities, inter alia, through the adoption of legislative measures to enable him to participate in proceedings relating to human rights violations;

12. Encourages the Government of Guatemala to provide the requisite facilities and adopt the necessary measures to ensure that the Presidential Commission on Human Rights (COPREDEH) is the focal point for the coordination of the Government's efforts to comply with its international obligations in the field of human rights;

13. Exhorts the Government of Guatemala to promote concrete activities that will enable the population to attain better living standards, giving priority to the economic and social development programmes, and to strengthen policies and programmes concerning Guatemala's indigenous population, taking into account their proposals and aspirations, together with the independent expert's recommendations on the subject;

14. Encourages continuation of the refugee repatriation process, appeals to the competent authorities to ensure that this process continues with full consideration for the well-being and dignity of all affected persons, providing the necessary facilities for their prompt resettlement in their places of origin, and urges the parties concerned to comply strictly with the agreements reached on the subject since October 1992;

15. Urges the Government of Guatemala to assist the civilian population displaced by the internal armed conflict and to help them to form their communities;

16. Also urges the Government of Guatemala to consider the earliest possible ratification of the international human rights instruments to which it is not yet a party, in particular the International Labour Organisation's Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries;

17. Takes note with satisfaction of the Framework Agreement for the resumption of the peace negotiations between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, signed on 10 January 1994, and pays tribute to the work of the representative of the Secretary-General as mediator and the efforts of the Group of Friendly Countries to advance the peace process;

18. Expresses the hope that the negotiations under way at Mexico City between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca will lead to the signing of a firm and lasting peace agreement in 1994;

19. Urges both parties, as part of this process, to reach substantive agreements on all items on the agenda, and to conclude and implement without delay the human rights agreement, with the corresponding machinery for international verification;

20. Requests the Secretary-General to continue to provide the Government of Guatemala and non-governmental organizations with advisory services in the field of human rights;

21. Also requests the Secretary-General to extend the mandate of the independent expert so that she may continue to examine the situation of human rights in Guatemala, provide assistance to the Government in the field of human rights, and submit to the Commission at its fifty-first session a report assessing the measures taken by the Government in accordance with the recommendations made to it;

22. Decides to consider the question at its fifty-first session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories" or the item entitled "Advisory services in the field of human rights", in the light of the adoption and application of specific and significant measures by the Government, the effectiveness of which will be assessed in the report of the independent expert on the situation of human rights in Guatemala.

56th meeting
4 March 1994
[Adopted without a vote. See chap. XIX.]

1994/59. Assistance to Georgia in the field of human rights

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling in particular its resolution 1993/85 of 10 March 1993, in which the Commission requested the Secretary-General to evaluate the needs for support and technical assistance in the field of human rights to the Government of Georgia,

Deeply concerned at the continued seriousness of the situation of human rights of inhabitants of Georgia, including Abkhazia,

Noting with satisfaction the efforts within the United Nations system in organizing missions to Georgia, including Abkhazia, to investigate abuses and human rights violations, which are being committed by all sides, and to initiate a country programme of the Centre for Human Rights for technical assistance to Georgia, to be implemented in 1994, Noting with appreciation the efforts of the personal representative of the Secretary-General to support a speedy political solution to the conflict in Georgia, including Abkhazia, at the peace talks in Geneva, as well as the positive contribution of the mission of the Conference on Security and Cooperation in Europe to the consolidation of an effective cease-fire in South Ossetia and Abkhazia,

1. Expresses its serious concern at the persistence of numerous and grave violations of human rights in Georgia, including Abkhazia, such as extrajudicial executions, torture and ill-treatment, including rape, inhuman or degrading treatment of prisoners, looting and burning of houses, and deportations of the civilian population;

2. Strongly condemns such reprehensible acts and abuses committed by troops or armed groups in Georgia, including Abkhazia;

3. Welcomes the willingness of the Government of Georgia to cooperate with the Commission on Human Rights and the Centre for Human Rights;

4. Urges the Government of Georgia and the authorities in Abkhazia to carry out investigations into all allegations of human rights violations, with a view to identifying and prosecuting those responsible;

5. Appeals to those in control of the territory of Abkhazia to implement and ensure law and order, to guarantee fully the enjoyment of human rights and to ensure the right of displaced persons to return to Abkhazia and to recover their property;

6. Encourages the Government of Georgia to continue to cooperate in the field of advisory services;

7. Encourages a speedy agreement on the country programme discussed between the Centre for Human Rights and the Government of Georgia and the provision of technical assistance to the Government of Georgia, including, inter alia, the following components: assistance in creating a national institution for the promotion and protection of human rights, a seminar on minority issues, needs assessment and reform of the system for the administration of justice and the penal code, and training of law enforcement officers, including police, military and prison officers; implementation of the programme should be coordinated by a human rights officer to be posted in Georgia;

8. Decides to examine the question again at its fifty-first session.

56th meeting
4 March 1994
[Adopted without a vote. See chap. XIX.]

1994/60. Assistance to Somalia in the field of human rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant human rights instruments,

Aware of the prevailing tragic circumstances in Somalia, particularly the loss of life and the breakdown of governmental authority which has resulted in the need for special measures to promote and protect human rights,

Recalling Security Council resolution 897 (1994) of 4 February 1994, as well as related Security Council resolutions and actions, General Assembly resolution 48/146 of 20 December 1993 and Commission on Human Rights resolution 1993/86 of 10 March 1993,

Commending the ongoing efforts in Somalia of the United Nations, its specialized agencies, the Organization of African Unity, humanitarian organizations and non-governmental organizations, as well as those of Governments,

Recognizing the role of African and other regional organizations, especially the Intergovernmental Authority on Drought and Development, and also the palpable efforts of the Organization of the Islamic Conference and the Arab League, in the settlement of the conflict in Somalia,

Recognizing also the negative impact the current situation is having on neighbouring countries, in particular through refugee outflows,

Noting that disarmament of the parties to the conflict is an important element in improving the human rights situation,

Deploring continued attacks against United Nations personnel and personnel of other humanitarian organizations and non-governmental organizations in Somalia, sometimes resulting in serious injury or death,

Recalling that, in the Vienna Declaration and Programme of Action (A/CONF.157/23, part II, para. 82), the World Conference on Human Rights urged that the advisory services and technical assistance programmes of the United Nations system should be able to respond immediately to requests from States for educational and training activities in the field of human rights, as well as for special education concerning standards as contained in international human rights instruments and in humanitarian law and their application to special groups such as military forces, law enforcement personnel, police and the health profession,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems, Recognizing also the right of the Somali people to take part in the governance of their country directly or through freely chosen representatives, including the right of equal access to public service,

Emphasizing the importance to that process of developing the Somali police, judicial and penal systems, as well as other institutions for the promotion and protection of human rights, and welcoming the efforts to date by the United Nations Operation in Somalia II in that regard,

Welcoming the establishment of the human rights unit within the United Nations Operation in Somalia II,

Noting the report of the independent expert (E/CN.4/1994/77 and Add.1),

Noting in particular that the development of a long-term programme of advisory services as envisaged in the mandate of the independent expert must depend on the final resolution of the political disputes amongst the Somali factions,

1. Urges all parties to the conflict in Somalia to work towards the full implementation of the Addis Ababa agreement of 27 March 1993;

2. Also urges all Somalis to work together towards peace and security in Somalia and to guarantee the protection of all human rights and fundamental freedoms for all Somalis;

3. Calls upon all parties in Somalia to respect international humanitarian law and human rights and criminal justice standards and to protect civilians, United Nations personnel and humanitarian relief workers from injury and death, and reaffirms the applicability of those human rights standards for all parties in Somalia;

4. Reaffirms the need to protect the Somali people against any violations of their human rights by any person or persons and takes note of the recommendation of the independent expert that the human rights unit of the United Nations Operation in Somalia II be strengthened and expanded to be able to deal effectively with any alleged violations of human rights and that the unit be enabled to provide assistance to any Somali, non-governmental human rights organization throughout the country;

5. Urges the human rights unit to report regularly on its activities and that such reports be made publicly available;

6. Also urges the human rights unit to continue to pay particular attention to the provision of assistance with regard to strengthening the police, judicial and prison systems in Somalia, in a manner consistent with internationally accepted criminal justice standards, including the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

7. Requests the Secretary-General to extend for 12 months the mandate of the independent expert to assist the Special Representative of the

Secretary-General for Somalia through the development of a long-term programme of advisory services for re-establishing human rights and the rule of law, and to widen the independent expert's mandate to allow him to seek and receive information about and report on the human rights situation in Somalia, in an effort to prevent human rights violations;

8. Also requests the Secretary-General to provide adequate resources, from within the overall regular budget of the United Nations, to fund the activities of the independent expert and the Centre for Human Rights, and invites Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

9. Requests the independent expert to report to the Commission at its fifty-first session on conditions in Somalia and the implementation of the present resolution;

10. Decides to continue consideration of the question at its fifty-first session under the agenda item entitled "Advisory services in the field of human rights".

56th meeting
4 March 1994
[Adopted without a vote. See chap. XIX.]

1994/61. Situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Taking note of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed on 23 October 1991, including part III relating to human rights,

Recalling Commission on Human Rights resolution 1993/6 of 19 February 1993 and General Assembly resolution 48/154 of 20 December 1993,

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia,

Recognizing that Cambodia's tragic recent history requires special measures to assure the promotion and protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Paris Agreements (A/46/608-S/23177),

Welcoming the elections of May 1993 and the inauguration of the Royal Government of Cambodia,

1. Welcomes the establishment of the operational presence of the Centre for Human Rights in Cambodia on 1 October 1993 to implement the activities set out in Commission on Human Rights resolution 1993/6, paragraph 2, of 19 February 1993;

2. Also welcomes the appointment by the Secretary-General of a Special Representative to undertake the tasks set out in Commission on Human Rights resolution 1993/6, paragraph 6;

3. Takes note with satisfaction of the exchange of letters between the Secretary-General and the Royal Government of Cambodia concerning the consent of the Government for the fulfilment of the activities of the Centre for Human Rights and the mandate of the Special Representative in Cambodia;

4. Notes with interest the programme of activities of the Centre for Human Rights in Cambodia, as described in the report of the Special Representative of the Secretary-General (E/CN.4/1994/73 and Add.1);

5. Requests the Secretary-General to assure the promotion and protection of the human rights of all people in Cambodia and to ensure sufficient resources, from within existing overall United Nations resources, for the full implementation of the mandate of the Centre for Human Rights and that of the Special Representative;

6. Takes note of the transfer of responsibility for the management of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia from the United Nations Transitional Authority in Cambodia to the Centre for Human Rights, in order to allow the Centre to implement its programme of activities in Cambodia in accordance with the Commission on Human Rights mandate, as set out in Commission on Human Rights resolution 1993/6, paragraph 2;

7. Invites Governments and interested organizations to contribute to the United Nations Trust Fund for a Human Rights Education Programme in Cambodia;

8. Takes note with interest of the report of the Special Representative of the Secretary-General on the situation of human rights in Cambodia (E/CN.4/1994/73) and his recommendations and conclusions (E/CN.4/1994/73/Add.1), in particular the identification of priority areas requiring urgent attention, namely:

(a) The devotion of proper resources to hospitals, schools, courts and for the defence of cultural treasures, especially Angkor Wat;

(b) The support of the National Assembly Human Rights Commission, including financial assistance for a proper secretariat, equipment and training;

(c) The enactment of laws and related activities in specially urgent areas;

(d) The implementation of training programmes aimed at the promotion and protection of civil rights;

(e) The ensuring of true independence of the judiciary;

9. Requests the Centre for Human Rights to assist, with the consent and cooperation of the Royal Government of Cambodia, in providing advice with respect to the creation of an independent national institution for the promotion and protection of human rights, such as an ombudsman or a human rights commission;

10. Also requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Royal Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to women and vulnerable groups, including children and refugees;

11. Expresses grave concern at the indiscriminate use of anti-personnel land-mines in Cambodia and the devastating consequences and destabilizing effects such mines have on Cambodian society;

12. Requests the Secretary-General to renew the mandate of the Special Representative as set out in Commission on Human Rights resolution 1993/6, paragraph 6;

13. Decides to review the respective programmes and mandates set out in its resolution 1993/6 at its fifty-first session;

14. Requests the Special Representative of the Secretary-General to report to the Commission on Human Rights at its fifty-first session and to provide an interim report to the General Assembly at its forty-ninth session;

15. Decides to continue its consideration of this matter at its fifty-first session under the agenda item entitled "Advisory services in the field of human rights".

57th meeting
4 March 1994
[Adopted without a vote. See chap. XIX.]

1994/62. El Salvador

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling its resolution 1993/93 of 10 March 1993, and the statement by the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 20 August 1993 (E/CN.4/1994/2, para. 245), Recalling also General Assembly resolution 48/149 of 20 December 1993,

Taking note of the report of the independent expert (E/CN.4/1994/11),

Convinced that full and speedy implementation of the outstanding commitments of the Peace Accords is necessary in order to guarantee full respect for human rights and the consolidation of the reconciliation and democratization process under way in El Salvador,

Concerned by the fact that, in spite of the improvements made in the field of human rights, continuing acts of violence, such as the recent assassinations, attacks and threats against members of various political parties, could affect the peace and national reconciliation process,

Welcoming in this regard the efforts of the Secretary-General in cooperation with the Government of El Salvador, to establish the Joint Group for the Investigation of Illegal Armed Groups, which is to conduct an impartial and independent investigation into the activities of such groups and their consequences as regards political violence,

Recognizing that the work of the Secretary-General of the United Nations and his representatives and the monitoring carried out by the United Nations Observer Mission in El Salvador, in particular its Human Rights Division, have contributed significantly to the success of the Peace Accords,

Recognizing also that the effective protection of human rights calls for continued strengthening of and support for the judicial system to help to eliminate impunity and thus ensure the full attainment of the rule of law,

Recognizing with satisfaction the fulfilment of most of the commitments made by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional,

Considering that a commitment was made to implement the recommendations of the Human Rights Division of the United Nations Observer Mission in El Salvador and the Commission on the Truth, and emphasizing that a new process for the full implementation of the peace and national reconciliation agreements is under way,

Taking into account the general elections to be held in El Salvador on 20 March 1994 within a climate of peace achieved by the people of El Salvador,

Recalling the commitment of 5 November 1993 by the presidential candidates to abide by the peace and reconciliation agreements,

Aware that the international community must continue to support all efforts by the Government of El Salvador to consolidate peace, ensure full respect for human rights and undertake the reconstruction of El Salvador,

1. *Expresses its thanks* to the independent expert for his work and takes note of the report submitted in accordance with his terms of reference (E/CN.4/1994/11) and regrets that circumstances did not permit him to visit El Salvador;

2. *Expresses its satisfaction and gratitude* to the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional for having fulfilled most of the commitments made and having overcome a number of obstacles to the implementation of the agreements, within the framework of the peace and reconciliation process;

3. *Recognizes* the work of the Governments of Colombia, Spain, Mexico and Venezuela, which make up the Group of Friends of the Secretary-General, and of the Government of the United States of America in supporting the peace process in El Salvador;

4. *Recognizes* that, while there have been improvements in the situation of human rights in El Salvador, some negative circumstances still exist regarding the observance of the right to life and that the capacity of the judicial system to shed light on and punish human rights violations continues to be unsatisfactory;

5. *Urges* the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to intensify their efforts to continue and complete the land transfer programme, the programme for the reintegration of former combatants into society, the deployment of the new National Civil Police, the collection of weapons in the private hands of the armed forces and the adoption of the Act on Private Security Services, in accordance with the agreements;

6. *Expresses its belief* that it is important to continue strengthening the Office of the National Counsel for the Defence of Human Rights and to carry out the agreed judicial reforms to ensure its independence and impartiality;

7. *Commends* the Government of El Salvador on the establishment of the Inter-institutional Investigating Group to investigate human rights violations and punish those responsible, and of the Joint Group for the Investigation of Illegal Armed Groups, set up on the initiative of the Secretary-General and recommended by the Commission on the Truth, and urges all sectors of Salvadorian society to cooperate with that investigation;

8. *Reiterates its gratitude* for the important work being carried out by the Secretary-General and his representative and by the United Nations Observer Mission in El Salvador, and extends to them its support so that they can continue to take all necessary steps to contribute to the successful implementation of the Peace Accords;

9. *Requests* the Secretary-General to provide the Government of El Salvador with any advisory services it may request, through the Centre for Human Rights;

10. Reaffirms its confidence that the elections of 20 March 1994 will strengthen national reconciliation and urges the people of El Salvador to participate in them;

11. Expresses its support for the statement of 5 November 1993, entitled "Commitment of the presidential candidates to peace and stability in El Salvador", in which the candidates, inter alia, solemnly committed themselves to maintain the constructive evolution of the peace process and to implement all the commitments contained in the Peace Accords and rejected any politically motivated violence or intimidation;

12. Decides to extend the mandate of the independent expert for one year, for the purpose of providing advisory services to El Salvador and reporting, with the close cooperation of the Human Rights Division of the United Nations Observer Mission in El Salvador and the Government of El Salvador, on developments in human rights in El Salvador to the Commission on Human Rights at its fifty-first session under the agenda item "Advisory services in the field of human rights".

57th meeting
4 March 1994
[Adopted without a vote. See chap. XIX.]

1994/63. Question of trade union rights

The Commission on Human Rights,

Reaffirming that all human rights and fundamental freedoms are universal, indivisible and interdependent and interrelated and that the promotion and protection of one category of rights does not exempt or excuse States from the duty of promoting and protecting other rights,

Recalling that the right of everyone to form and to join trade unions is embodied in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and that this and other fundamental trade union rights are guaranteed by the freedom of association conventions of the International Labour Organisation,

Recognizing the most important role played by trade unions in efforts to achieve social justice,

Underlining the important role played by the International Labour Organisation in the protection and promotion of trade union rights,

Recognizing that workers' rights are given fuller expression in the International Labour Code, made up of the 174 Conventions and 181 Recommendations, of the International Labour Organisation,

Underlining the particular importance of the Conventions concerning freedom of association (Nos. 87 and 98), discrimination (Nos. 100 and 111) and forced labour (Nos. 29 and 105) of the International Labour Organisation, _Recalling_ that the Declaration on the Right to Development, adopted by the General Assembly by its resolution 41/128 of 4 December 1986, calls on States to encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights,

Noting that the World Conference on Human Rights supported all measures by the United Nations and its relevant agencies to ensure the effective promotion and protection of trade union rights, and called on all States to abide fully by their obligations contained in this regard in international instruments,

Considering that trade unions can contribute most significantly to the realization of effective popular participation and thus to development,

Recalling its resolutions 1990/16 of 23 February 1990 and 1992/12 of 21 February 1992 in which it expressed deep concern that in many countries persons exercising their trade union rights in striving for a more just society and human dignity were subject to serious violations of their fundamental human rights, including their right to life, and appealed to States to ensure the conditions for the free and full exercise of trade union rights,

Regretting that violations of trade union rights have continued in many countries since then,

1. _Appeals_ to States to ensure that conditions are such that all persons under their jurisdiction can exercise their right to organize and to form and join trade unions for the protection of their interests;

2. _Invites_ Member States that have not yet done so to ratify and apply in full the International Covenants on Human Rights as well as the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) of the International Labour Organisation and to support the increasingly important work of that agency;

3. _Calls upon_ States to involve representative trade union organizations in effective processes of popular participation and development, including through appropriate consultative mechanisms;

4. _Urges_ States to work for the provision of a healthy and safe workplace, including through consultation and cooperation;

5. _Encourages_ Member States to remove all forms of discrimination in the workplace and invites all States which have not yet done so to ratify and apply in full the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Equal Remuneration Convention, 1951 (No. 100) of the International Labour Organisation, with a view to eliminating discrimination against women through adoption of the principle of equal pay for work of equal value.

57th meeting
4 March 1994
[Adopted without a vote. See chap. VII.]

1994/64. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Recalling and reaffirming its resolution 1993/20 of 2 March 1993,

Recalling also General Assembly resolutions 48/91 of 20 December 1993 and 48/148 of 20 December 1993,

Bearing in mind the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given to the programme of action for the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Noting resolution 1993/3 of 16 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of the report of the Secretary-General on measures to combat racism and racial discrimination submitted to the Sub-Commission at its forty-fourth session (E/CN.4/Sub.2/1992/11),

Having examined the first report (E/CN.4/1994/66) of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Concerned that despite efforts, racism, racial discrimination, anti-Semitism, xenophobia and related intolerance, as well as acts of racial violence, persist, and are even growing in magnitude, continually assuming new forms,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers,

1. Takes note of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1994/66);

2. Welcomes the proclamation by the General Assembly, in its resolution 48/91 of 20 December 1993, of the Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and the Programme of Action for the Third Decade;

3. Also welcomes the Special Rapporteur's proposal concerning the organization of an interdisciplinary seminar on the problems of the theoretical aspects and specific manifestations of contemporary forms of racism, racial discrimination and xenophobia;

4. *Requests* the Special Rapporteur to examine according to his mandate incidents of contemporary forms of racism, racial discrimination, any form of discrimination against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism, and related intolerance, as well as governmental measures to overcome them, and to report on these matters to the Commission at its fifty-first session;

5. *Also requests* the Special Rapporteur to have an exchange of views with the various relevant mechanisms and treaty bodies within the United Nations system, including the Committee on the Elimination of Racial Discrimination, in order to further enhance their effectiveness and mutual cooperation;

6. *Calls upon* all Governments, intergovernmental organizations and relevant organizations of the United Nations system, as well as the non-governmental organizations, to supply information to the Special Rapporteur;

7. *Encourages* the Special Rapporteur in close consultation with Governments, relevant organizations of the United Nations system, other intergovernmental organizations and non-governmental organizations to present further recommendations concerning human rights education with a view to preventing actions giving rise to racism and racial discrimination, xenophobia and related intolerance;

8. *Requests* the Special Rapporteur to use any information that he might deem relevant to his mandate as established in Commission resolution 1993/20 of 2 March 1993;

9. *Encourages* Governments to cooperate closely with the Special Rapporteur with a view to enabling him to fulfil his mandate;

10. *Regrets* that the Special Rapporteur encountered difficulties in preparing his first report, owing to the lack of necessary resources;

11. *Requests* the Secretary-General without further delay to provide the Special Rapporteur with all the necessary assistance in carrying out his mandate and enabling him to submit an interim report to the General Assembly at its forty-ninth session and a comprehensive report to the Commission at its fifty-first session.

64th meeting
9 March 1994
[Adopted without a vote. See chap. XIV.]

1994/65. *Human rights and the environment*

The Commission on Human Rights,

Recalling General Assembly resolutions 43/196 of 20 December 1988, 44/172 A and B of 19 December 1989, 44/228 of 22 December 1989, 45/211 of 21 December 1990, 46/168 of 19 December 1991 and 47/190 of 22 December 1992, Recalling also its resolution 1993/90 of 10 March 1993,

Reaffirming the Rio Declaration on Environment and Development (A/CONF.151/26, vol.I) and Agenda 21 (A/CONF.151/26, vol.II), adopted by the United Nations Conference on Environment and Development on 14 June 1992,

Noting the need to adopt an integrated and balanced approach to the issues related to sustainable development, democracy and human rights,

Taking note of the reports submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities by its Special Rapporteur on human rights and the environment, Mrs. Fatma Zohra Ksentini (E/CN.4/Sub.2/1992/7 and Add.1 and E/CN.4/Sub.2/1993/7),

Conscious of the important work undertaken on environment and development issues by the Commission on Sustainable Development, the United Nations Environment Programme and other relevant forums,

Considering that the promotion of an environmentally healthy world contributes to the protection of the human rights to life and health of everyone, and reaffirming that in this connection States shall act in accordance with their common but differentiated responsibilities and respective capabilities,

Recognizing that illicit dumping of toxic and dangerous substances and waste potentially constitute a serious threat to the human rights to life and health of everyone, bearing especially in mind the vulnerability and concern of developing countries, and that States should adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and waste, and cooperate in the prevention of illicit dumping,

Reaffirming that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

Reaffirming also the importance of promoting, facilitating and financing, as appropriate, the access to and the transfer of environmentally sound technologies and corresponding know-how, in particular to developing countries, on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights, as well as the special needs of developing countries,

1. Reaffirms principle No. 1 of the Rio Declaration on Environment and Development (A/CONF.151/26, vol.I), which states that human beings are at the centre of concerns for sustainable development and that they are entitled to a healthy and productive life in harmony with nature;

2. Reiterates that the right to development must be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations;

3. Recognizes that environmental damage has potentially negative effects on human rights and the enjoyment of life, health and a satisfactory standard of living;

4. Expresses its appreciation to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mrs. Fatma Zohra Ksentini, for her second progress report (E/CN.4/Sub.2/1993/7), reflecting the link between a healthy environment and the full enjoyment of human rights;

5. Recalls that everyone has the right to enjoy the benefit of scientific progress and its application, and calls for international cooperation to ensure that human rights and dignity are fully respected in this area of universal concern;

6. Also recalls chapter 33 of Agenda 21 (A/CONF.151/26, vol.II) on the provision of new and additional financial resources to developing countries to achieve sustainable development;

7. Endorses the request of the Sub-Commission to the Special Rapporteur to prepare a final report on human rights and the environment with conclusions and recommendations, including recommendations for the follow-up by the Commission of her work;

8. Decides to continue its consideration of this question, including the recommendation of the Sub-Commission, at its fifty-first session under the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, and study of special problems which developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effect on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development".

64th meeting
9 March 1994
[Adopted without a vote. See chap. XVII.]

1994/66. Human rights and mass exoduses

The Commission on Human Rights,

Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons, Recalling its resolution 1993/70 of 10 March 1993 and its previous relevant resolutions, as well as those of the General Assembly,

Noting that the Secretary-General, in his report entitled "An agenda for peace" (A/47/277-S/24111), identifies the protection of human rights as an important element of peace, security and economic well-being and highlights the importance of preventive diplomacy, identifies the linkage between preventive diplomacy and humanitarian assistance and recognizes that preventive diplomacy requires an early-warning capacity,

Noting also that the concepts and recommendations put forward by the Secretary-General in "An agenda for peace" continue to be considered by the General Assembly and consultations in this regard are still taking place, and, in this context, taking note of General Assembly resolutions 47/120 A of 18 December 1992 and 47/120 B of 20 September 1993 on "An agenda for peace",

Noting further that the Secretary-General, in his report on the strengthening of the coordination of humanitarian emergency assistance of the United Nations (A/47/595), states that in complex emergencies, humanitarian assistance is essential but must be complemented by measures to address the root causes of such emergencies and that the establishment of the inter-agency consultation on early warning serves the purposes of both prevention and preparedness,

Recalling that the World Conference on Human Rights has recognized that gross violations of human rights, including in armed conflicts, are among the multiple and complex factors leading to displacement of people,

Recalling also that the World Conference on Human Rights recognized that, in view of the complexities of the global refugee crisis and in accordance with the Charter of the United Nations, relevant international instruments and international solidarity and in the spirit of burden-sharing, a comprehensive approach by the international community is needed in coordination and cooperation with the countries concerned and relevant organizations and bearing in mind the mandate of the United Nations High Commissioner for Refugees, including, inter alia, the development of strategies to address root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms,

Welcoming the continuing efforts of the United Nations High Commissioner for Refugees to meet the protection and assistance needs of refugees worldwide, in particular women and children, who constitute the majority of the world's refugee population and who are often exposed to serious threats to their safety and well-being,

Recognizing that the Commission on Human Rights has a number of mechanisms to address human rights violations, which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

1. Invites again all Governments and intergovernmental and humanitarian organizations concerned to intensify their cooperation and

assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and the causes of such exoduses;

2. Welcomes the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language;

3. Strongly deplores ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

4. Calls upon special rapporteurs, special representatives and working groups studying situations of violation of human rights to seek information, where appropriate, on problems resulting in mass exoduses of populations or impeding their voluntary return home and, where appropriate, to include such information, together with recommendations thereon, in their reports to the Commission;

5. Requests all United Nations bodies, including the United Nations human rights treaty bodies, the specialized agencies and governmental, intergovernmental and non-governmental organizations to cooperate fully with all mechanisms of the Commission and, in particular, to provide them with all relevant and accurate information in their possession on the human rights situations creating or affecting refugees and displaced persons within their mandates;

6. Notes that the Executive Committee of the Programme of the United Nations High Commissioner for Refugees has specifically acknowledged the direct relationship between observance of human rights standards, refugee movements, problems of protection and solutions;

7. Welcomes the contributions of the United Nations High Commissioner for Refugees to the deliberations of international human rights bodies, and encourages her to seek ways to make these contributions even more effective;

8. Invites the United Nations High Commissioner for Refugees to address the Commission at its fifty-first session;

9. Encourages States that have not already done so to accede to the 1951 Convention relating to the Status of Refugees and its Protocol of 1967;

10. Urges the Secretary-General to attach a high priority and allocate the necessary resources to the consolidation and strengthening of the system for undertaking early-warning activities in the humanitarian area for the purpose of ensuring, *inter alia*, that effective action is taken to identify all human rights abuses which contribute to mass outflows of persons;

11. Welcomes the decision by the Administrative Committee on Coordination to establish a regular United Nations inter-agency early-warning consultation and to designate the Department of Humanitarian Affairs as the focal point and facilitator of the consultation;

12. Urges the Department of Humanitarian Affairs to take the necessary steps to function effectively as the focal point of the inter-agency early-warning consultation;

13. Urges all the bodies involved in the inter-agency consultation to cooperate fully in and devote the necessary resources to the successful operation of the consultation;

14. Requests the High Commissioner for Human Rights to pay attention, in the exercise of his mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, for preventing the continuation of human rights violations throughout the world, to situations of mass exodus;

15. Requests the Secretary-General to invite Governments, intergovernmental organizations, specialized agencies and non-governmental organizations to provide information and to prepare, within existing resources, and submit to the Commission at its fifty-first session a report containing information and views on solutions that they have found to be effective in the area of mass exoduses, a compilation of information and recommendations from human rights mechanisms on problems resulting in mass exoduses of populations or impeding their voluntary return home and his views on the matters referred to in his report;

16. Decides to continue its consideration of the question at its fifty-first session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission" under the sub-item entitled "Human rights, mass exoduses and the displaced".

64th meeting
9 March 1994
[Adopted without a vote. See chap. XI.]

1994/67. Civil defence forces

The Commission on Human Rights,

Recalling that everyone has the right to life, liberty and security of person,

Considering the reports of the Secretary-General on civil defence forces submitted pursuant to Commission on Human Rights resolutions 1992/57 of 3 March 1992 (E/CN.4/1993/34) and 1993/54 of 9 March 1993 (E/CN.4/1994/38),

Taking note with interest of the observations regarding the use of civil defence forces not belonging to regular law enforcement agencies and the protection of human rights and fundamental freedoms, contained in the reports of the Working Group on Enforced or Involuntary Disappearances,

Noting that the formation of civil defence forces to protect public order appears to be on the rise worldwide, particularly in areas of conflict,

Recognizing that action by civil defence forces has in some cases jeopardized the enjoyment of human rights and fundamental freedoms,

Recognizing also that under exceptional circumstances, when public military and police forces are unable to act, there may be a need to establish civil defence forces to protect the civilian population,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms,

Realizing that the individual has a right and a responsibility to strive for the promotion and observance of the rights recognized in the International Covenant on Civil and Political Rights as well as in the International Covenant on Economic, Social and Cultural Rights,

1. Expresses its appreciation to the Governments and intergovernmental and non-governmental organizations that have provided information on domestic law and practice relating to civil defence forces or comments concerning their relation to the protection of human rights and fundamental freedoms, pursuant to Commission on Human Rights resolution 1993/54;

2. Recommends that, whenever armed civil defence forces are created to protect the civilian population, Governments establish, where appropriate, minimum legal requirements for them, within the framework of domestic law, including the following:

(a) Civil defence forces shall only be deployed for the purpose of self-defence;

(b) Recruitment into them shall be voluntary and shall be effectively controlled by public authorities;

(c) Public authorities shall supervise their training, arming, discipline and operations;

(d) Commanders shall have clear responsibility for their activities;

(e) Civil defence forces and their commanders shall be clearly accountable for their activities;

(f) Offences involving human rights violations by such forces shall be subject to the jurisdiction of the civilian courts;

3. Invites the special rapporteurs, working groups and treaty bodies concerned to continue to pay due attention, within their mandates, to the matter of civil defence forces in relation to the protection of human rights and fundamental freedoms.

64th meeting
9 March 1994
[Adopted without a vote. See chap. XI.]

1994/68. Internally displaced persons

The Commission on Human Rights,

Mindful of its responsibility under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Recalling the relevant norms of international human rights instruments, as well as of international humanitarian law and international refugee law,

Deeply disturbed by the large and growing number of internally displaced persons throughout the world and conscious of the serious problem this is creating for the international community,

Recognizing that internally displaced persons are in need of protection and of relief assistance and recognizing the need for States and the international community to explore methods and means better to address the protection and assistance needs of internally displaced persons,

Conscious of the human rights as well as the humanitarian dimensions of the problem of internally displaced persons and the responsibilities this poses for States and the international community,

Recalling its resolution 1993/95 of 11 March 1993, in which it requested the representative of the Secretary-General to continue his work aimed at a better understanding of the general problems faced by internally displaced persons and their possible long-term solutions,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights called for a comprehensive approach by the international community with regard to refugees and displaced persons,

Bearing in mind that the General Assembly, in its resolution 48/135 of 20 December 1993, welcoming the decision by the Executive Committee of the Office of the United Nations High Commissioner for Refugees to extend, on a case-by-case basis and under specific circumstances, protection and assistance to the internally displaced, encouraged the representative, through dialogue with Governments, to continue his review of the needs for international protection of and assistance to internally displaced persons, including his compilation and analysis of existing rules and norms, Bearing in mind also that, in the same resolution, the Assembly invited the representative to present suggestions and recommendations with regard to ways and means, including the institutional aspects, of providing effective protection and assistance to internally displaced persons,

Conscious of the need for the United Nations system to gather comprehensive information on the issue of the protection of the human rights of and assistance to internally displaced persons, as well as to coordinate effectively its activities in this regard,

Welcoming the cooperation already established between the representative of the Secretary-General and the Office of the United Nations High Commissioner for Refugees, the Department of Humanitarian Affairs of the Secretariat and other relevant intergovernmental and non-governmental organizations, and encouraging them to actively pursue their consultations on this issue,

Aware of the need to address the root causes of internal displacement,

1. Takes note with appreciation of the report of the representative of the Secretary-General on internally displaced persons (E/CN.4/1994/44 and Add.1);

2. Commends the representative of the Secretary-General for the activities so far undertaken, despite the limited resources available to him, and for his proposed programme of activities;

3. Welcomes the efforts of the representative to continue raising the level of consciousness about the plight of the internally displaced;

4. Encourages the representative, through dialogue with Governments and all intergovernmental and non-governmental organizations concerned, and, in accordance with his mandate, to continue his review of the needs for protection of and assistance to internally displaced persons, including his compilation and analysis of existing rules and norms, the root causes of internal displacement, prevention and long-term solutions, taking into account specific situations;

5. Also encourages the representative to continue to pay specific attention in his review to the protection and assistance needs of women and children;

6. Invites the representative to make suggestions and recommendations with regard to ways and means, including the institutional aspects, of providing adequate and effective protection of and assistance to internally displaced persons;

7. Calls upon all Governments to continue to facilitate the activities of the representative, encourages them to give serious consideration to inviting him to visit their countries, so as to enable him to study and analyse more fully the issues involved, and thanks those Governments which have already done so;

8. Also calls upon Governments to give due consideration, in dialogue with the representative, to the recommendations and suggestions made to them by the representative for improving protection and assistance to internally displaced persons;

9. Calls upon relevant rapporteurs, working groups and experts, in accordance with their mandates, to seek information on situations which could lead to internal displacement and to include relevant information and recommendations thereon in their reports to the Commission;

10. Calls upon the Department of Humanitarian Affairs of the Secretariat, the Office of the United Nations High Commissioner for Refugees, all regional intergovernmental organizations, the International Committee of the Red Cross, the International Organization for Migration and non-governmental organizations to continue to cooperate with the representative and assist him in fulfilling his mandate;

11. Encourages the representative of the Secretary-General to continue to cooperate and coordinate with the Office of the United Nations High Commissioner for Refugees, the Department of Humanitarian Affairs of the Secretariat and the International Committee of the Red Cross;

12. Urges concerned United Nations agencies to provide the representative with all necessary information, and calls upon the representative to propose ways and means of setting up a more coherent system of data collection on issues related to the situation and protection of internally displaced persons;

13. Encourages the representative in this respect to seek the contribution of local, national and regional academic and research institutions;

14. Requests the Secretary-General to give all necessary assistance, within existing resources, to his representative to carry out his mandate effectively, in particular with regard to the study and analysis of the legal framework and the development of a comprehensive strategy;

15. Requests the representative of the Secretary-General to continue to submit annual reports on his activities to the Commission on Human Rights and to the General Assembly;

16. Decides to continue its consideration of the question at its fifty-first session.

64th meeting
9 March 1994
[Adopted without a vote. See chap. XI.]

1994/69. Advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as the latest resolution of the Commission on Human Rights on the subject, 1993/87 of 10 March 1993,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights called for an enhanced programme of advisory services highlighting both the traditional fields of technical assistance in the field of human rights and new areas of technical assistance of which Governments may avail themselves, as summarized in paragraphs 12 to 24 of the report of the Secretary-General (E/CN.4/1994/78 and Corr.1 and Add.1-2 and Add.2/Corr.1 and Add.3 and Add.3/Corr.1),

Mindful of the responsibilities of the High Commissioner for Human Rights set out in General Assembly resolution 48/141 of 20 December 1993, in particular that of providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical assistance, at the request of the State concerned and, where appropriate, the regional human rights organizations, with a view to supporting actions and programmes in the field of human rights, and of coordinating the human rights promotion and protection activities throughout the United Nations system,

Encouraging all States in need of assistance in the field of human rights to consider making use of the advisory services and technical cooperation, being offered on a bilateral, regional or international level, provided by the Centre for Human Rights or other relevant bodies involved in the field of human rights within the United Nations system or by national institutions or non-governmental organizations, in order to achieve the full enjoyment of all human rights,

Emphasizing the importance of the development of assistance in the field of human rights, including through the assignment of human rights field officers, to countries in transition or in reconstruction after situations of armed conflicts or internal disturbances, with the consent of the Governments concerned,

Convinced of the need for the Secretary-General and the High Commissioner for Human Rights to intensify efforts to coordinate system-wide advisory services and technical assistance in the field of human rights through flexible and active inter-agency collaboration,

Convinced also of the need for the Centre for Human Rights to assume the functions of focal point and clearing-house for inter-agency coordination with other organizations of the United Nations system, Reaffirming that, within the common context of the comprehensive programme of advisory services and technical cooperation, a clear distinction should be made between technical cooperation projects financed under the Voluntary Fund for Technical Cooperation in the Field of Human Rights and activities under the regular budget of the United Nations, while at the same time close coordination between these activities should be ensured,

Reaffirming also that the provision of advisory services and technical cooperation activities may be seen as a complement to, but never a substitute for, the monitoring and investigating activities of the human rights programme and that their provision does not in any way reduce a Government's responsibility for accountability on the human rights situation and, whenever applicable, would not exempt it from scrutiny through the various monitoring procedures established by the United Nations,

Convinced that the Centre for Human Rights needs clear criteria and methods of assessment, strict and transparent project management rules, as well as more efficient management and better coordination among existing voluntary funds,

Taking note with appreciation of the report of the Secretary-General on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1994/78 and Corr.1 and Add.1-2 and Add.2/Corr.1 and Add.3 and Add.3/Corr.1),

I. ACTIVITIES UNDER THE REGULAR BUDGET OF THE UNITED NATIONS

1. Reaffirms that the programme of advisory services in the field of human rights should continue to provide, at the request of Governments and with the cooperation of the specialized agencies, where appropriate, assistance in the form of advisory services of experts, fellowships and scholarships, seminars and training courses at a regional and national level, the drafting of basic legal texts in conformity with international conventions on human rights in order to uphold the rule of law and democracy;

2. Invites competent United Nations treaty bodies, special rapporteurs and representatives, as well as working groups, to continue to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services;

3. Calls upon the Secretary-General to implement all activities under the programme of advisory services on the basis of clearly defined objectives and themes, taking into account the precise needs of the beneficiaries, as well as to follow up and evaluate them;

4. Again requests the Secretary-General to allocate more human and financial resources for the enlargement of advisory services, within existing overall United Nations resources, in a manner compatible with other development objectives, in order to meet the substantially increased demand, in particular for the provision of expert services, emanating from the mandates of and recommendations made by the Commission on Human Rights,

competent human rights treaty bodies, special representatives and rapporteurs, independent experts and working groups, as well as from requests by Governments;

II. ACTIVITIES UNDER THE VOLUNTARY FUND FOR TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

5. Expresses its appreciation to the Secretary-General for the projects realized since the establishment of the Voluntary Fund for Technical Cooperation in the Field of Human Rights and to Governments and non-governmental organizations for their contributions, and invites other Governments and non-governmental organizations to consider contributing;

6. Emphasizes that the objective of the Voluntary Fund is to provide financial support for international cooperation aimed at building up and strengthening national and regional institutions and infrastructures which will have a long-term impact on improved implementation of international conventions and other international standards on human rights;

7. Welcomes the progress in the implementation of the global approach and the policy of the Centre for Human Rights to address specific demands of a requesting Government by carrying out a comprehensive needs assessment and developing an overall programme containing specific projects aiming at strengthening the human rights infrastructure of a country;

8. Underlines the importance of using such comprehensive needs assessment as a basis for cooperation with specialized bodies and other organizations of the United Nations system, as well as other relevant organizations;

9. Requests the Secretary-General, in accordance with the Vienna Declaration and Programme of Action (A/CONF.157/23, part II, para. 16), to ensure more efficient management of the Voluntary Fund, strict and transparent project management rules, periodical evaluations of the programme and projects, and the dissemination of evaluation results, as well as arranging for the holding of annual information meetings open to all member States and organizations directly involved in the advisory services and technical cooperation programme;

10. Underlines that any assistance through technical cooperation in the field of human rights under the Voluntary Fund has to be well prepared, and that there should be a regular and sustained follow-up between the involved national bodies and the Centre for Human Rights, to be reflected in the report of the Secretary-General;

11. Welcomes the appointment by the Secretary-General of a board of trustees for the Voluntary Fund;

12. Urges the Board of Trustees to review the existing project guidelines with a view to improving orientation for Governments requesting advisory services, establishing clear criteria for selecting and defining priorities for projects, as well as establishing an efficient and flexible project preparation, implementation and evaluation procedure;

13. Requests the Secretary-General to provide the Board with the necessary administrative assistance, in order to make it possible for it to fulfil its mandate, and to arrange Board meetings such that the report of the Board can be included in the annual report to the Commission on Human Rights on advisory services and technical cooperation;

14. Also requests the Secretary-General, in the light of the increasing availability of voluntary contributions, to expand the provision of experienced, professional staff or to avail himself of the services of consultant experts, keeping pace with the increased demand for advisory services;

15. Invites the Centre for Human Rights to give special attention to strengthening the capacity of national and regional institutions to collect and disseminate information on human rights and establish common practices for cooperation with the United Nations in this area;

16. Encourages Governments to cooperate with non-governmental human rights organizations in formulating and implementing programmes under the Voluntary Fund;

III. SYSTEM-WIDE COOPERATION

17. Requests the Secretary-General, through the High Commissioner for Human Rights, to explore yet further the possibilities offered by cooperation between the Centre for Human Rights, in its role as the coordinating unit in the promotion, protection and implementation of human rights, and specialized bodies and other organizations of the United Nations system, as well as non-governmental organizations, including arrangements where needs identified by the Centre are met by projects for which such other bodies and organizations take full responsibility for financing and implementation;

18. Encourages in particular the cooperation between the Centre for Human Rights and the United Nations Development Programme, with a view to integrating, with the advice of the Commission on Human Rights, projects for strengthening human rights into the overall United Nations Development Programme country programmes and in order to prepare and execute jointly individual projects benefiting from the opportunities offered by resident representatives of the Programme;

19. Requests the Secretary-General to prepare an inventory and to undertake an analysis of the availability of advisory services and technical cooperation in the field of human rights from all sources, both multilateral and bilateral;

20. Also requests the Secretary-General to report annually to the Commission on Human Rights on the progress made in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

64th meeting
9 March 1994
[Adopted without a vote. See chap. XIX.]

1994/70. Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling its resolutions 1990/76 of 7 March 1990, 1991/70 of 6 March 1991, 1992/59 of 3 March 1992, 1993/64 of 10 March 1993 and taking note of the report of the Secretary-General on this question (E/CN.4/1994/52),

1. Urges Governments to refrain from all acts of intimidation or reprisal against:

(a) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;

(b) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;

(c) Those who submit or have submitted communications under procedures established by human rights instruments;

(d) Those who are relatives of victims of human rights violations;

2. Requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way;

3. Also requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals;

4. Further requests such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisal and of hampering access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. Requests the Secretary-General to draw the attention of such representatives and treaty bodies to the present resolution;

6. Invites the Secretary-General to submit to the Commission at its fifty-first session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those referred to in paragraph 1 above;

7. Decides to consider the question again at its fifty-first session.

64th meeting
9 March 1994
[Adopted without a vote. See chap. XII.]

1994/71. Situation of human rights in Cuba

The Commission on Human Rights,

Recalling its resolution 1993/63 of 10 March 1993 regarding the affirmation and extension of the mandate of the Special Rapporteur of the Commission to review and report on the situation of human rights in Cuba and to maintain direct contact with the Government and citizens of Cuba,

Recalling also General Assembly resolution 48/142 of 20 December 1993 regarding the situation of human rights in Cuba,

Recognizing with deep appreciation the efforts of the Special Rapporteur to carry out the mandate concerning the situation of human rights in Cuba,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Noting with deep regret the continued failure of the Government of Cuba to cooperate with the Special Rapporteur and its refusal to permit him to visit Cuba in order to fulfil his mandate,

Considering the report on the situation of human rights in Cuba submitted by the Special Rapporteur (E/CN.4/1994/51),

Deeply concerned at information contained in the report of the Special Rapporteur on arbitrary arrests, beatings, imprisonment, harassment and threats, including loss of employment, against human rights defenders and others who are engaged in the peaceful exercise of their rights,

Profoundly concerned at continued violations in Cuba of fundamental human rights and freedoms enumerated in the Universal Declaration of Human Rights, such as the freedoms of movement, thought, conscience and religion, opinion and expression, assembly and association, and rights associated with the administration of justice,

1. *Commends and endorses* the report of the Special Rapporteur;

2. *Calls upon* the Government of Cuba to permit the Special Rapporteur the opportunity to carry out his mandate in full, in particular by allowing him to visit Cuba;

3. *Expresses particular concern* that the Government of Cuba has failed to carry out its commitment, common to all Member States, to cooperate with the Commission on Human Rights, in conformity with Articles 55 and 56 of the Charter of the United Nations;

4. *Regrets profoundly* the numerous unanswered reports of violations of basic human rights and fundamental freedoms that are described in the report of the Special Rapporteur, and expresses particular concern at prevailing intolerance for freedom of speech and assembly in Cuba;

5. *Calls upon* the Government of Cuba to carry out the eight measures recommended in the report of the Special Rapporteur to bring the observance of human rights and fundamental freedoms in Cuba up to universally recognized standards in accordance with international law and applicable international human rights instruments and to end all violations of human rights, including in particular the detention and imprisonment of human rights defenders and others who are engaged in the peaceful exercise of their rights;

6. *Affirms and extends* the mandate of the Special Rapporteur for one year;

7. *Requests* the Special Rapporteur to maintain direct contacts with the Government and citizens of Cuba as specified in past resolutions of the Commission;

8. *Recommends* that the existing mechanisms of the Commission on Human Rights, in particular the Working Group on Arbitrary Detention and the Special Rapporteur on the question of torture, in the discharge of their mandates, continue to give attention to the situation in Cuba and, if appropriate, consider visiting Cuba;

9. *Invites* the Special Rapporteur and the existing thematic mechanisms of the Commission mentioned in the present resolution to cooperate fully and exchange their information and findings on the situation of human rights in Cuba;

10. *Requests* the Secretary-General to provide all necessary assistance to the Special Rapporteur;

11. *Requests* the Special Rapporteur to carry out his mandate bearing in mind, *inter alia*, the Universal Declaration of Human Rights, to submit an

interim report to the General Assembly at its forty-ninth session and to report to the Commission at its fifty-first session on the results of his endeavours pursuant to the present resolution.

64th meeting
9 March 1994
[Adopted by a roll-call vote of 24 to 9,
with 20 abstentions. See chap. XII.]

1994/72. Situation of human rights in the territory of the former Yugoslavia: violations of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The Commission on Human Rights,

Mindful of its duty to promote and encourage respect for human rights and fundamental freedoms for all, and to prevent violations of such rights,

Dismayed by the continuing human tragedy in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) and by the massive and systematic violations of human rights, especially in Bosnia and Herzegovina, where whole populations remain victims to terrorization and harassment, particularly, though not exclusively, on territory controlled by Bosnian Serb and Bosnian Croat forces, as documented in the report of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1994/110),

Concerned also at continuing impediments to the full exercise of human rights and fundamental freedoms in the countries of the area, even in territories distant from armed conflict,

Moved by the horrible massacre at the Markale market of Sarajevo on 5 February 1994, and encouraged by the outpouring of international revulsion at it and the resulting renewal of the international community's determination to bring a peaceful, just and lasting resolution to the conflict in Bosnia and Herzegovina,

Repelled by the odious practice of "ethnic cleansing" whose principal victims are the Muslim population, carried out in particular by Bosnian Serbs as well as by Bosnian Croat extremists, and emphasizing the right of all its victims to return to their homes and the invalidity of territorial gains resulting from that practice, as well as of forced transfers of property and other acts under duress,

Deeply concerned that rape and other forms of inhuman and degrading treatment of women and children continue to be used as a deliberate instrument of war and "ethnic cleansing", particularly in Bosnia and Herzegovina,

Dismayed by the huge number of missing persons still unaccounted for, particularly in Bosnia and Herzegovina and in Croatia, Deeply concerned about the situation of human rights in Serbia and Montenegro, particularly in Kosovo but also in Sandjak and Vojvodina,

Noting with special appreciation the continuing efforts of the Special Rapporteur and those under his direction,

Also noting with appreciation the report by the Secretary-General entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia", contained in document A/48/858 dated 29 January 1994,

Grateful as well for the work of the special mechanisms of the Commission on Human Rights and all those involved in the humanitarian relief effort, including the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and the officers and men of the United Nations Protection Force, and encouraging the continuing efforts of all who seek to bring about a peaceful resolution to the conflict, including the Co-Chairmen and members of the Steering Committee of the International Conference on the Former Yugoslavia,

Recalling its resolutions 1992/S-1/1 of 14 August 1992, 1992/S-2/1 of 1 December 1992, and 1993/7 and 1993/8 of 23 February 1993, General Assembly resolutions 48/143 and 48/153 of 20 December 1993 and the relevant resolutions of the Security Council,

Recalling also the decision adopted by the World Conference on Human Rights on 15 June 1993 (A/CONF.157/24 (Part I), chap.IV) to appeal to the Security Council to take the necessary measures to end the genocide taking place in Bosnia and Herzegovina,

1. Expresses its deep appreciation to the Special Rapporteur for his tenacity in fulfilling his mandate under the most trying circumstances, and for the light shed by his important reports, in particular his latest report (E/CN.4/1994/110);

2. Deplores and condemns the continual refusal of the Bosnian Serb authorities to permit the Special Rapporteur to conduct investigations in territory under their control;

3. Reaffirms the responsibility of all parties to the conflict to find peaceful solutions through negotiations and to protect fully human rights at all times;

4. Condemns categorically all violations of human rights and international humanitarian law by all sides and, while recognizing that primary responsibility for most of these violations is borne by the leadership in territory under Serb control and the political and military leaders in the Federal Republic of Yugoslavia (Serbia and Montenegro), notes that violations have been committed by all of the parties to the conflict;

5. Demands immediate, firm and resolute action by the international community to stop all human rights violations, including "ethnic cleansing" genocidal acts, rape and abuse of women as an instrument of war, strangulation of cities in Bosnia, shelling and killing of civilians, torture, arbitrary

executions, and enforced and involuntary disappearances, to secure a just and lasting peace in Bosnia and Herzegovina, and to bring war criminals to trial;

6. Expresses alarm at the Special Rapporteur's findings that the influence of ultranationalist ideologies is growing, and that indoctrination and misinformation encourage national and religious hatred, and deplores the fact that, in the climate of ultranationalism engendered by such indoctrination and misinformation, atrocities are being committed by all parties;

7. Denounces continued deliberate and unlawful attacks and uses of military force against civilians and other protected persons by all sides, recognizing that the primary though not the sole responsibility lies with the Serbian forces, and condemns particularly:

(a) The besieging of cities and other civilian areas, and the deliberate, murderous shelling thereof, particularly of the declared "safe areas";

(b) The systematic terrorization and murder of civilians and non-combatants;

(c) The destruction of vital services;

(d) The use of military force against relief operations;

(e) The intentional destruction of mosques, churches and other places of worship and the desecration of cemeteries;

(f) Other attacks upon civilians;

(g) The forced conscription, by any party, of internally displaced persons and of refugees in disregard of their protected status;

8. Condemns anew the heinous acts identified by the Special Rapporteur as elements of "ethnic cleansing", and urges the international community to use all its influence on all the parties to the conflict, in particular the Federal Republic of Yugoslavia (Serbia and Montenegro) and the authorities in those parts of Croatia and Bosnia and Herzegovina under Serbian control, as well as Croatian extremists in Bosnia and Herzegovina, to end "ethnic cleansing" immediately and to reverse its effects, recognizing especially the right of any victims to return to their homes and the invalidity of territorial gains resulting from that practice, as well as of forced transfers of property and other acts under duress;

9. Acknowledges the efforts of some local authorities in areas under control of the Government of Bosnia and Herzegovina to avoid actions associated with "ethnic cleansing", as reported by the Special Rapporteur;

10. Reaffirms that the practice of "ethnic cleansing" should in no way be legitimized;

11. Condemns all deliberate impeding of the delivery of food, medical and other supplies essential for the civilian population, which can constitute a serious violation of international humanitarian law, and of medical evacuations, and demands that all parties ensure that all persons under their control cease such acts;

12. Also condemns the attacks on and continuous harassment of the United Nations Protection Force and on personnel working with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations, which have caused injuries to and deaths of those who seek to protect civilians and to deliver humanitarian assistance;

13. Expresses its deep concern at the traumatic impact of the armed conflict and resultant social upheaval on the children of the area, in both the short and the long term, as described in the Special Rapporteur's latest report;

14. Expresses its outrage that the systematic practice of rape continues to be used as a weapon of war against women and children and as an instrument of "ethnic cleansing", and recognizes that rape in these circumstances constitutes a war crime;

15. Welcomes the assistance which has been provided to the victims of such rape and abuse for their physical and mental rehabilitation and urges States, local communities, and relevant intergovernmental and non-governmental organizations to provide further assistance as required;

16. Also welcomes the establishment of the International Tribunal for prosecuting serious violations of international humanitarian law committed in the territory of the former Yugoslavia, pursuant to Security Council resolution 827 (1993) of 25 May 1993, and urges that all States provide all necessary and appropriate support to the Tribunal;

17. Reaffirms that all persons who perpetrate or authorize violations of international humanitarian law are individually responsible and accountable, and that the international community will exert all efforts to bring them to justice in accordance with internationally recognized principles of due process;

18. Urges the Special Rapporteur, all United Nations bodies, including the United Nations Protection Force and the United Nations human rights treaty bodies, specialized agencies, Governments and informed intergovernmental and non-governmental organizations to cooperate fully with the Prosecutor of the International Tribunal and to provide him on a continuing basis with all relevant and accurate information in their possession related to his task;

19. Urges all States and responsible authorities to cooperate with the International Tribunal, including by the provision of substantiated information and the apprehension of persons accused of violations of international humanitarian law for trial in cooperation with the Tribunal and in accordance with internationally accepted norms of due process;

20. Commends the efforts of the Commission of Experts established pursuant to Security Council resolution 780 (1992) of 6 October 1992, to examine and analyse evidence of violations of international humanitarian law, and of those States, United Nations bodies, specialized agencies and organizations that have provided pertinent information to the Commission of Experts;

21. Demands the immediate internationally-supervised release of all persons arbitrarily or otherwise illegally detained and the immediate closure of all places of detention not authorized by and in compliance with the Geneva Conventions of 12 August 1949;

22. Reiterates its demand that all parties immediately notify the International Committee of the Red Cross of the locations of all camps, prisons and other places of detention, and that there be immediate, unimpeded and continued access to such places by the International Committee of the Red Cross, the Special Rapporteur and other relevant international and regional organizations;

23. Urges all parties, and in particular the Governments of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), to cooperate in determining the fate of thousands of missing persons by disclosing all information and documentation in order finally to locate such persons and alleviate the suffering of their relatives;

24. Notes with interest the proposal of the Working Group on Enforced or Involuntary Disappearances concerning the question of enforced disappearances in the territory of the former Yugoslavia (E/CN.4/1994/26/Add.1) and requests the Working Group, represented by one of its members, to cooperate as appropriate with the Special Rapporteur in dealing with this issue;

25. Expresses its grave concern at the deteriorating human rights situation in the Federal Republic of Yugoslavia (Serbia and Montenegro), particularly in Kosovo, as described by the Special Rapporteur, and again condemns the violations of human rights occurring there;

26. Strongly condemns in particular the measures and practices of discrimination against and the violations of the human rights of the ethnic Albanians of Kosovo, as well as the large-scale repression committed by the Serbian authorities, including:

(a) Police brutality against ethnic Albanians, arbitrary searches, seizures and arrests, torture and ill-treatment during detention and discrimination in the administration of justice, which leads to a climate of lawlessness in which criminal acts, particularly against ethnic Albanians, take place with impunity;

(b) The exclusion of ethnic Albanians from positions in the police and in the judiciary, as well as from professional, administrative and other skilled positions in State-owned enterprises and public institutions, including teachers from the Serb-run school system, and the closure of the Albanian university and high schools;

(c) Arbitrary imprisonment of ethnic Albanian journalists, the closure of Albanian-language mass media and the discriminatory removal of ethnic Albanian staff from local radio and television stations;

(d) Repression by the Serbian police and military;

27. Demands that the Federal Republic of Yugoslavia (Serbia and Montenegro) respect the human rights and fundamental freedoms of ethnic Albanians in Kosovo and declares that the best means to prevent the possible escalation of the conflict is to safeguard human rights, restore the autonomy of Kosovo and to establish democratic institutions in Kosovo;

28. Expresses its grave concern at the Special Rapporteur's reports of violations of human rights in Sandjak, including physical harassment, abductions, the burning of homes, warrantless searches, confiscations and other practices intended to change the ethnic structure in favour of the Serbian population, and in Vojvodina, while commending the courage and sacrifice of many Serbs who refuse to take part in such violations;

29. Urges all parties in Serbia and Montenegro, particularly in Kosovo, the Sandjak and Vojvodina, to engage in a substantive dialogue, inter alia, under the auspices of the International Conference on the Former Yugoslavia, and to act with the utmost restraint and settle disputes with full respect for human rights, and calls on the Serbian authorities to prevent extension of the conflict by refraining from the use of force and by respecting fully the rights of persons belonging to minority groups;

30. Demands that the Federal Republic of Yugoslavia (Serbia and Montenegro) permit entry into Kosovo, Sandjak and Vojvodina of United Nations observer missions and field officers of the Special Rapporteur and resumption of the missions of long duration of the Conference on Security and Cooperation in Europe;

31. Expresses its continued concern that, despite the considerable decrease in violations of international humanitarian law in Croatia, there continue to be serious human rights violations and patterns of discriminatory treatment against minority groups, as well as arbitrary practices on the part of the Croatian authorities;

32. Condemns the continuation of "ethnic cleansing" in areas under the control of the self-proclaimed Serbian authorities in the United Nations Protected Areas and the continued shelling of civilian areas, especially in the vicinity of the Dalmatian coast;

33. Notes with interest the observations of the Special Rapporteur regarding the human rights situation in the Former Yugoslav Republic of Macedonia, in particular his conclusion that mutual understanding and trust among all citizens of that Republic, regardless of their ethnic origin, is an essential condition for the enjoyment of human rights in that country, and decides to continue to monitor developments there;

34. Notes with appreciation the observations of the Special Rapporteur regarding the further improvement of the human rights situation in Slovenia and decides that Slovenia should be excluded from the mandate of the Special Rapporteur;

35. Notes with concern that many of the Special Rapporteur's past recommendations have not been fully implemented, in some cases because of resistance by the parties on the ground, and urges the parties, all States and relevant organizations to give immediate consideration to them, in particular the Special Rapporteur's calls:

(a) For the opening of humanitarian relief corridors to prevent death and deprivation of the civilian population, and to open Tuzla airport to relief deliveries;

(b) For the provision of necessary medical and psychological care to victims of rape within the framework of programmes to rehabilitate women and children traumatized by war, and for coordination by all concerned in support of the social integration of child victims;

(c) For more generous international assistance to refugees fleeing the conflict, and to the States which receive them;

(d) For increased support to initiatives to assist persons displaced by the conflict, with attention to the special needs of urban families and orphans;

(e) For the creation of a voluntary fund to provide economic and social aid to assist the reconstruction of destroyed villages and towns;

36. Recommends that there be a human rights component in any internationally negotiated arrangements for Bosnia and Herzegovina and that implementation of such a component be conducted in close cooperation with the Special Rapporteur and the Centre for Human Rights;

37. Decides to extend the mandate of the Special Rapporteur for one year, and requests that he continue his efforts, especially by carrying out all such further missions as he deems necessary, and that he continue to submit periodic reports, as appropriate, on the implementation of the present and other relevant human rights resolutions to the Commission and the General Assembly, and to request the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council and to the International Conference on the Former Yugoslavia;

38. Requests the Secretary-General to take steps to assist in obtaining the active cooperation of all United Nations bodies to implement the present resolution and, pursuant to General Assembly resolution 48/153, paragraph 27, to provide the Special Rapporteur, within the overall budgetary framework of the United Nations, with additional resources and all other necessary assistance to enable him to fulfil his mandate, in particular, to

provide for the appointment of field staff in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to provide first-hand, timely reports on the situation of human rights there;

39. Decides to remain seized of this matter.

64th meeting
9 March 1994
[Adopted without a vote. See chap. XII.]

1994/73. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in the field,

Recalling its relevant resolutions, including the most recent, resolution 1993/62 of 8 March 1993, as well as those of the General Assembly, including the most recent, resolution 48/145 of 20 December 1993, and those of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, including the most recent, resolution 1993/14 of 20 August 1993,

Noting that the Government of the Islamic Republic of Iran has responded to the Special Representative's request for information concerning allegations of human rights violations in that country but did not allow him to pay a fourth visit to the country so that he might obtain direct and first-hand information on the current human rights situation,

Reaffirming that Governments are accountable for assassinations and attacks by their agents against persons on the territory of another State, as well as for the incitement, approval or wilful condoning of such acts,

Recalling that, in its resolution 1993/62, it requested the Special Representative to submit a report on the situation of human rights in the Islamic Republic of Iran to the Commission at its fiftieth session,

Noting the observation of the Special Representative that there is enough evidence to show that it is entirely proper for the human rights situation in the Islamic Republic of Iran to remain under international scrutiny,

Noting also that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1993/74 of 10 March 1993 condemned the continuing flagrant violations of human rights in the Islamic Republic of Iran, Noting further the concluding observations of the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights on the human rights situation in the Islamic Republic of Iran,

1. Takes note with appreciation of the final report of the Special Representative of the Commission and the observations contained therein (E/CN.4/1994/50);

2. Expresses its deep concern at continuing reports of violations of human rights in the Islamic Republic of Iran;

3. Expresses its concern more specifically at the main criticisms of the Special Representative with regard to the human rights situation in the Islamic Republic of Iran, namely, the high number of executions, cases of torture and cruel, inhuman or degrading treatment or punishment, the standard of the administration of justice, the absence of guarantees of due process of law, discriminatory treatment of certain groups of citizens for reason of their religious beliefs, notably the Baha'is, whose existence as a viable religious community in the Islamic Republic of Iran is threatened, as well as the ill-treatment of certain Christians and restrictions on the freedoms of expression, thought, opinion and the press, and that, as noted by the Special Representative, there is continued discrimination against women;

4. Expresses its grave concern at continued use of the death penalty, which the Special Representative had described as excessive;

5. Also expresses its grave concern that there are continuing threats to the life of Mr. Salman Rushdie, whose case is mentioned in the report of the Special Representative, as well as to individuals associated with his work, which have the support of the Government of the Islamic Republic of Iran;

6. Urges the Government of the Islamic Republic of Iran to refrain from activities such as those mentioned in the report of the Special Representative against members of the Iranian opposition living abroad and to cooperate wholeheartedly with the authorities of other countries in investigating and punishing offences reported by them;

7. Regrets that the Government of the Islamic Republic of Iran has still not permitted the Special Representative to visit the country in order to enable him fully to discharge his mandate by according him full cooperation;

8. Urges the Government of the Islamic Republic of Iran to implement existing agreements with international humanitarian organizations;

9. Calls upon the Government of the Islamic Republic of Iran to intensify its efforts to investigate and rectify the human rights issues raised by the Special Representative in his observations, in particular as regards the administration of justice and due process of law;

10. _Also calls upon_ the Government of the Islamic Republic of Iran to comply with international instruments on human rights, in particular the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party, and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups, enjoy the rights recognized in these instruments;

11. _Endorses_ the view of the Special Representative that the international monitoring of the human rights situation in the Islamic Republic of Iran should be continued;

12. _Decides_ to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year;

13. _Calls upon_ the Government of the Islamic Republic of Iran to cooperate fully with the Special Representative, including allowing him to make another visit to the country;

14. _Requests_ the Special Representative to submit an interim report to the General Assembly at its forty-ninth session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups, such as the Baha'is, and to report to the Commission at its fifty-first session;

15. _Requests_ the Secretary-General to give all necessary assistance to the Special Representative;

16. _Decides_ to continue its consideration of the situation of human rights and fundamental freedoms in the Islamic Republic of Iran, as a matter of priority, at its fifty-first session.

65th meeting
9 March 1994
[Adopted by a roll-call vote of 22 to 11,
with 19 abstentions. See chap. XII.]

1994/74. _Situation of human rights in Iraq_

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), as endorsed by the General Assembly in its resolution 48/121 of 20 December 1993, and in particular part I, paragraph 1, which reaffirms, _inter alia_, that human rights and fundamental freedoms are the birthright of all human beings and that their protection and promotion is the first responsibility of Governments, Reaffirming that all Member States have the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights,

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations to ensure that the human and political rights of all Iraqi citizens were respected,

Recalling also Security Council resolutions 706 (1991) of 15 August 1991, 712 (1991) of 19 September 1991 and 778 (1992) of 2 October 1992,

Recalling in particular its resolution 1991/74 of 6 March 1991, in which the Commission requested its Chairman to appoint a special rapporteur to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the Special Rapporteur might deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq,

Recalling further its pertinent resolutions condemning the flagrant violations of human rights by the Government of Iraq, including resolution 1992/71 of 5 March 1992, by which it extended the mandate of the Special Rapporteur for a further year and requested him, in pursuing his mandate, to visit again the northern area of Iraq in particular, and to submit an interim report to the General Assembly at its forty-seventh session and a final report to the Commission at its forty-ninth session, as well as resolution 1993/74 of 10 March 1994, in which it extended the mandate of the Special Rapporteur for a further year,

Recalling General Assembly resolution 46/134 of 17 December 1991, in which the Assembly expressed its deep concern at the flagrant violations of human rights by the Government of Iraq, 47/145 of 18 December 1992 and 48/144 of 20 December 1993, in which the Assembly decided to continue its consideration of the situation of human rights in Iraq at its forty-ninth session in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council,

Deeply concerned by the continued massive and grave violations of human rights by the Government of Iraq, such as summary and arbitrary executions, torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, arbitrary arrests and detentions, lack of due process and the rule of law and of freedom of thought, of expression and of association, as well as the existence of specific and serious discrimination within the country in terms of access to food and health care,

Urging the Government of Iraq to comply with the Geneva Protocol of 17 June 1925 for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare, Deeply concerned at the forced displacement of hundreds of thousands of Kurds and at the destruction of Iraqi towns and villages,

Deeply concerned also that the severe and grave violations of human rights by the Government of Iraq have led to a deterioration of the situation of the civilian population in southern Iraq, in particular in the southern marshes,

Regretting that the Government of Iraq has not seen fit to respond to the formal request of the Special Rapporteur on the situation of human rights in Iraq to visit Iraq and that, despite the formal cooperation extended to the Special Rapporteur by the Government of Iraq, such cooperation needs to be improved, in particular by giving full replies to the many questions the Special Rapporteur put to the Government of Iraq in previous years,

Expressing concern at the exceptional gravity of the human rights situation in Iraq and, therefore, welcoming the Special Rapporteur's repeated proposals for the deployment of a team of human rights monitors and for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and would help in the independent verification of reports on the situation of human rights in Iraq,

1. Takes note with appreciation of the report on the situation of human rights in Iraq submitted by the Special Rapporteur (E/CN.4/1994/58) and the conclusions and recommendations contained therein;

2. Expresses its strong condemnation of the massive violations of human rights, of the gravest nature, for which the Government of Iraq is responsible, resulting in an all-pervasive order of repression and oppression which is sustained by broad-based discrimination and widespread terror, in particular:

(a) Summary and arbitrary executions, orchestrated mass executions and mass graves throughout Iraq, extrajudicial killings, including political killings, in southern Shiah centres and in the southern marsh area;

(b) The widespread routine practice of systematic torture in its most cruel forms;

(c) Enforced or involuntary disappearances, routinely practised arbitrary arrests and detention, including of women, the elderly and children, and consistent and routine failure to respect due process and the rule of law;

(d) Suppression of freedom of thought, expression and association and violations of property rights;

(e) The unwillingness of the Government of Iraq to honour its responsibilities in respect of the economic rights of the population;

3. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights as well as to the International Covenant on Civil and Political Rights, to abide by its freely undertaken obligations under the Covenants and under other international

instruments on human rights, and particularly to respect and ensure the rights of all individuals, irrespective of their origin, within its territory and subject to its jurisdiction;

4. Demands that the Government of Iraq restore the independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

5. Calls upon the Government of Iraq to release immediately all persons arbitrarily arrested and detained, including Kuwaitis and nationals of other States;

6. Urges the Government of Iraq to set up an independent commission of inquiry and to take all necessary steps to cooperate closely with the Working Group on Enforced or Involuntary Disappearances to look into the fate of tens of thousands of disappeared persons;

7. Also urges the Government of Iraq to take immediate steps to bring the action of its security apparatus into line with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

8. Demands that the Government of Iraq:

(a) In fulfilment of its obligation pursuant to article 27 of the International Covenant on Civil and Political Rights, take steps to ensure the recognition and enjoyment of human rights of persons belonging to minorities;

(b) Immediately cease its periodic shelling of agricultural lands belonging to Iraqi Kurds, cooperate in the identification of minefields with a view to facilitating their marking and eventual clearing, cooperate with international aid agencies in the provision of humanitarian assistance to the northern Kurdish region and take steps towards the lifting of the embargo;

(c) In relation to the southern marsh area and its marsh Arab population, implement the recommendations made by the Special Rapporteur in his interim report to the General Assembly at its forty-eighth session (A/48/600, para. 82);

9. Further expresses its special alarm at all internal embargoes which permit essentially no exceptions for humanitarian needs and which prevent the equitable enjoyment of basic foodstuffs and medical supplies, and calls upon Iraq, which has sole responsibility in this regard, to remove them and to take such steps as to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq;

10. Regrets the failure of the Government of Iraq to provide satisfactory replies concerning the violations of human rights brought to the attention of the Special Rapporteur, and calls upon the Government to reply

without delay in a comprehensive and detailed manner so as to enable the Special Rapporteur to formulate the appropriate recommendations to improve the situation of human rights in Iraq;

11. Requests the Secretary-General, in consultation with the Special Rapporteur, to take the necessary measures in order to send human rights monitors to such locations as would facilitate improved information flows and assessment and would help in the independent verification of reports on the situation of human rights in Iraq;

12. Decides to extend for a further year the mandate of the Special Rapporteur, as contained in Commission resolutions 1991/74, 1992/71 and 1993/74;

13. Urges the Government of Iraq to accord its full cooperation to the Special Rapporteur, notably during his next visit to Iraq;

14. Requests the Special Rapporteur to report periodically to the Commission on Human Rights on the situation of human rights in Iraq, and to submit an interim report on the situation of human rights in Iraq to the General Assembly at its forty-ninth session and a report to the Commission at its fifty-first session;

15. Requests the Secretary-General to provide appropriate additional resources, within existing overall United Nations resources, to fund the sending of human rights monitors;

16. Also requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance in performing his task;

17. Decides to continue its consideration of the situation of human rights in Iraq, under the same agenda item, at its fifty-first session.

65th meeting
9 March 1994
[Adopted by a roll-call vote of 34 to 1,
with 18 abstentions. See chap. XII.]

1994/75. Situation of human rights in Bosnia and Herzegovina

The Commission on Human Rights,

Recalling its resolutions 1992/S-1/1 of 14 August 1992 and 1992/S-2/1 of 1 December 1992, 1993/7 and 1993/8 of 23 February 1993, General Assembly resolutions 48/143 and 48/153 of 20 December 1993 and all relevant resolutions of the Security Council,

Recalling also the decision (A/CONF.157/24 (Part I), chap. IV) by the World Conference on Human Rights on 15 June 1993 to appeal to the Security Council to take the necessary measures to end the genocide taking place in Bosnia and Herzegovina, Recalling further the Order of the International Court of Justice on 8 April 1993 for provisional measures, reaffirmed on 13 September 1993, that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) should immediately, in pursuance of its undertaking under the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its power to prevent commission of the crime of genocide,

Reiterating its deep concern at the massive and systematic violations of human rights, particularly the practice of "ethnic cleansing" still under way in the territory controlled by Bosnian Serbs, as well as similar acts being done by Bosnian Croat extremists, whose principal victims are the Bosnian Muslim populations,

Deeply aware that the continuing conflict in Bosnia and Herzegovina and acts committed by individuals of different affiliations as part of a deliberate policy and practice of "ethnic cleansing" and genocide, including acts provoked by such a policy, seriously aggravate the human rights situation in Bosnia and Herzegovina,

Welcoming the establishment of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, pursuant to Security Council resolution 827 (1993), and commending the work of the Commission of Experts established pursuant to Security Council resolution 780 (1992),

Noting with anguish the contents of the reports of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia and in particular the sixth report (E/CN.4/1994/110),

Moved by the horrible massacre at the Markale market in Sarajevo on 5 February 1994, which resulted in the renewal of the international community's determination to bring an end to the conflict in Bosnia and Herzegovina,

1. Strongly condemns the policy of genocide and "ethnic cleansing", the indiscriminate shelling of civilian populations, particularly in Sarajevo, and in the other declared safe areas of Tuzla, Bihac, Gorazde, Srebrenica and Zepa, as well as Mostar and other endangered areas in central Bosnia and elsewhere, the forced deportation of populations, the attacks against civilian targets, continued detention of civilians in appalling conditions in prisons and camps, the use of military force against defenceless civilians, the continued practice of rape as a weapon of war and the strategy of strangulation of populations by obstructing food supplies and other essentials to civilian populations;

2. Strongly demands that the authorities of Serbia and Montenegro cease their interference in and support to the self-proclaimed Serb entity in pursuing aggressive acts in Bosnia and Herzegovina, which flagrantly violate international law and fundamental principles of human rights;

3. Strongly urges the authorities of Croatia and Bosnia and Herzegovina to do their utmost in improving the relations between the Bosnian Croats and the Bosnian Muslims and towards the urgent improvement of the human rights and humanitarian situation in Bosnia and Herzegovina;

4. Categorically condemns all violations of human rights and international humanitarian law which occur in Bosnia and Herzegovina;

5. Reaffirms the right of all refugees and displaced persons to return to their homes and the invalidity of forced transfers of property and other acts made under duress, and urges the international community to assist in reversing the consequences of these acts;

6. Urges the relevant international organizations and bodies to make determined efforts to enhance and facilitate the investigations towards the resolution of cases of missing persons;

7. Urges all States, relevant international organizations and bodies and all parties to the conflict to cooperate fully with the Commission of Experts and the International Tribunal and to provide all necessary support and appropriate assistance, with a view to bringing to justice all persons who perpetrate or authorize serious violations of customary international human rights and humanitarian law or fail to prevent such violations while being able to do so;

8. Demands firm and resolute action by all concerned to put an end to all human rights violations and breaches of international law, including "ethnic cleansing", commission of the crime of genocide and the commission of rape and sexual abuse against women and children;

9. Calls for the early establishment of a just and lasting peace in Bosnia and Herzegovina by, inter alia, effective and immediate implementation of the relevant resolutions;

10. Commends the Special Rapporteur for his activities and, in particular, his courage and tenacity in accomplishing his objectives under the most trying circumstances, and calls on all parties to facilitate field missions by his office for the effective discharge of his mandate;

11. Requests the Secretary-General to report to the Commission at its fifty-first session on the implementation of the present resolution.

65th meeting
9 March 1994
[Adopted by a roll-call vote of 41 to 1,
with 10 abstentions. See chap. XII.]

1994/76. Situation of human rights in Kosovo

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international human rights instruments,

Recalling its resolutions 1992/S-1/1 of 14 August 1992 and 1993/7 of 23 February 1993 and its decision 1992/103 of 13 August 1992,

Recalling also Security Council resolution 855 (1993) of 9 August 1993,

Noting in the report of the Special Rapporteur on the situation of human rights in the former Yugoslavia (E/CN.4/1994/110) the continuing deterioration of the human rights situation in Kosovo including:

(a) Police brutality against ethnic Albanians, arbitrary searches, seizures and arrests, forced evictions, torture and ill-treatment of detainees and discrimination in the administration of justice;

(b) Discriminatory and arbitrary dismissals of ethnic Albanian civil servants, notably from the ranks of the police and the judiciary, mass dismissals of ethnic Albanians, discrimination against Albanian pupils and teachers of primary schools, the closing of the Albanian-language secondary schools and university, as well as the closing of Albanian cultural and scientific institutions;

(c) The intimidation and imprisonment of ethnic Albanian journalists and the systematic harassment and disruption of the news media in the Albanian language;

(d) The dismissals of doctors and members of other categories of the medical profession of Albanian origin from clinics and hospitals;

(e) The elimination in practice of the Albanian language, particularly in public administration and services;

(f) The serious and massive occurrence of discriminatory and repressive practices aimed at Kosovo Albanians as a whole, resulting in widespread involuntary emigration;

1. Strongly condemns the discriminatory measures and practices, as well as the violations of human rights, committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) against ethnic Albanians in Kosovo;

2. Urgently demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) Cease all human rights violations, discriminatory measures and practices against ethnic Albanians in Kosovo, in particular arbitrary detention and violation of the right to a fair trial and the practice of torture and other cruel, inhuman and degrading treatment;

(b) Release all political prisoners and cease all persecution of political leaders and members of local human rights organizations;

(c) Establish democratic institutions in Kosovo and respect the will of its inhabitants as the best means of preventing the escalation of the conflict there;

(d) Cooperate with the Conference on Security and Cooperation in Europe to enable the long-term mission to resume its activities immediately, inter alia, by permitting its return to Kosovo;

3. Urges the Secretary-General to explore ways and means to establish an adequate international monitoring presence in Kosovo;

4. Calls upon the Special Rapporteur to continue to monitor closely the human rights situation in Kosovo and to pay special attention to this matter in his reporting;

5. Decides to remain seized of this matter.

65th meeting
9 March 1994
[Adopted without a vote. See chap. XII.]

1994/77. Rape and abuse of women in the territory of the former Yugoslavia

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Recalling General Assembly resolution 3074 (XXVIII) of 3 December 1973, entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity", Recalling its resolution 1993/8 of 23 February 1993, entitled "Rape and abuse of women in the territory of the former Yugoslavia" and General Assembly resolution 48/143 of 20 December 1993, entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia",

Reaffirming the relevant Security Council resolutions, in particular resolution 798 (1992) of 18 December 1992 in which, inter alia, the Council strongly condemned those acts of unspeakable brutality,

Noting with deep concern the reports on the findings of the Special Rapporteur and the Secretary-General, assisted by the staff of the Special Rapporteur, regarding rape and abuse of women in the territory of the former Yugoslavia, particularly in Bosnia and Herzegovina,

Convinced that this heinous practice constitutes a deliberate weapon of war in fulfilling the policy of "ethnic cleansing" carried out by Serbian forces in Bosnia and Herzegovina, and noting General Assembly resolution 47/121 of 18 December 1992, in which the Assembly stated, inter alia, that the abhorrent policy of "ethnic cleansing" was a form of genocide,

Welcoming the establishment of an International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, by the Security Council in its resolution 827 (1993) of 25 May 1993, pursuant to its resolution 808 (1993) of 22 February 1993,

Desirous of ensuring that persons accused of upholding and perpetrating rape and sexual violence as a weapon of war in the areas of armed conflict in the former Yugoslavia will be brought to justice by the International Tribunal where appropriate,

Recognizing the extraordinary suffering of the victims of rape and sexual violence and the necessity for an appropriate response to provide assistance to those victims, emphasizing the role and responsibility of the local community of the victims in this context,

Deeply alarmed at the situation facing victims of rape in the conflicts in different parts of the world, in particular in Bosnia and Herzegovina, and the continuing use of rape as a weapon of war,

Noting with appreciation the work of humanitarian organizations aimed at supporting the victims of rape and abuse and alleviating their suffering,

Taking into account resolution 37/7 of 25 March 1993 of the Commission on the Status of Women,

Expressing its appreciation to the Secretary-General for his report entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia" (A/48/858),

Commending the Special Rapporteur for his report on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1994/110),

1. Strongly condemns the abhorrent practice of rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia, which constitutes a war crime;

2. Expresses its outrage that the practice of rape is being used as a weapon of war and an instrument of ethnic cleansing against the women and children in the former Yugoslavia, in particular against Muslim women and children in Bosnia and Herzegovina;

3. Demands that those involved immediately cease those outrageous acts, which are in gross violation of international humanitarian law, including the Geneva Conventions of 1949 and the Additional Protocols thereto, and take immediate action to ensure the enjoyment of human rights and fundamental freedoms in accordance with their obligations under those instruments and other applicable international human rights instruments;

4. Urges all States Members of the United Nations to take joint and separate action, in cooperation with the United Nations, to bring about an end to this despicable practice;

5. Reaffirms that all persons who perpetrate or authorize crimes against humanity and other violations of international humanitarian law are individually responsible for those violations, and that those in positions of authority who have failed adequately to ensure that persons under their control comply with the relevant international instruments are accountable together with the perpetrators;

6. Urges States Members of the United Nations to exert every effort to bring to justice, in accordance with internationally recognized principles of due process, all those individuals directly or indirectly involved in these outrageous international crimes;

7. Encourages the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia to continue to pay particular attention to the widespread occurrence of rape, particularly in Bosnia and Herzegovina, and acknowledges the work done by his team of female experts;

8. Supports the Commission of Experts in its investigation of the issue of systematic rape of women in the former Yugoslavia through its Plan of Action, in which special emphasis will be given to allegations of sexual assault;

9. Welcomes the intention of the Commission of Experts to reflect the results of its study in its final report expected to be submitted by the end of April 1994;

10. Calls upon all States that host refugees from the former Yugoslavia to provide the necessary assistance to the Commission of Experts in its efforts to interview or otherwise collect evidence for its investigation of the systematic practice of rape of women;

11. Urges all States and all relevant intergovernmental and non-governmental organizations, including the United Nations Children's Fund,

the Office of the United Nations High Commissioner for Refugees and the World Health Organization, to continue to provide to the victims of such rape and abuse appropriate assistance for their physical and mental rehabilitation;

12. Requests the Commission of Experts and the Special Rapporteur to submit their findings and all their relevant evidence to the prosecutors of the International Tribunal;

13. Decides to remain seized of this matter.

65th meeting
9 March 1994
[Adopted without a vote. See chap. XII.]

1994/78. Situation of human rights in Togo

The Commission on Human Rights,

Guided by the principles embodied in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that under Articles 55 and 56 of the Charter of the United Nations, all States Members of the Organization have an obligation to promote and protect human rights and fundamental freedoms and to cooperate for that purpose,

Concerned about the situation of human rights in Togo before the electoral process,

Welcoming, however, efforts undertaken towards democratization, especially the holding, in generally satisfactory conditions, of parliamentary elections on 6 and 20 February 1994, which constitute an essential element towards a democratic change in Togo,

Concerned by the fact that certain groups have resorted to violent actions and the use of arms, thus causing numerous victims, with the intention of preventing the holding of the elections,

Having examined the report of the Special Rapporteur on the question of torture (E/CN.4/1994/31) and the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7 and Corr.1-2 and Add.1-2),

1. Takes note with interest of the report of the Secretary-General on the situation of human rights in Togo (E/CN.4/1994/59);

2. Welcomes the fact that Togo has set out on the road to democratic political change, and urges all Togolese to respect the outcome of the parliamentary elections held in February 1994 and to ensure the effective functioning of the democratically elected parliament;

3. Expresses the hope that a comprehensive improvement of the human rights situation in Togo will lead to a lasting reinforcement of democracy, thus reflecting the aspirations of its citizens;

4. Calls upon the authorities in Togo to comply fully with their obligations under the international human rights instruments to which Togo is a party;

5. Also calls upon the authorities in Togo to promote national reconciliation, in particular by taking all necessary measures:

(a) To ensure the enjoyment of all human rights and fundamental freedoms by all;

(b) To prevent further human rights violations;

(c) To guarantee that appropriate legal action is taken against alleged perpetrators of human rights violations;

6. Encourages the authorities in Togo to facilitate the participation of the organs of society, including national institutions working for the promotion and protection of human rights, in the process of democratization;

7. Also encourages the Government of Togo to present timely reports to the treaty bodies established by the International Covenants to which Togo is a party;

8. Further encourages the Government of Togo to request, where appropriate, the assistance of the Centre for Human Rights through its programme of advisory services and technical assistance in the implementation of the measures mentioned in paragraphs 5 and 7 above;

9. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Togolese authorities and to request them to indicate, as soon as possible, the action taken in pursuance of paragraphs 5 and 7 above;

(b) To report to the Commission at its fifty-first session on the basis of the information provided by the Government of Togo, as well as any other information, on the measures taken by the Togolese authorities in pursuance of paragraphs 5, 7 and 8 above;

10. Decides to consider the question at its fifty-first session under the relevant agenda item, with a view to concluding it, in the light of the requested report by the Secretary-General.

65th meeting
9 March 1994
[Adopted without a vote. See chap. XII.]

1994/79. Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling its resolution 1993/60 of 10 March 1993 as well as General Assembly resolutions 47/142 of 18 December 1992 and 48/147 of 20 December 1993 on the situation in the Sudan,

Noting with deep concern reports of grave human rights violations in the Sudan, particularly summary executions, detentions without trial, forced displacement of persons and torture, as described in, inter alia, the reports submitted to the Commission on Human Rights at its forty-eighth session by the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions, at its forty-ninth session by the Special Rapporteur on the question of religious intolerance and at its fiftieth session by the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7 and Corr.1-2 and Add.1-2) and the Special Rapporteur on the question of torture (E/CN.4/1994/31),

Noting also with concern the latest report of the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1994/48),

Disturbed by the failure of the Government of the Sudan to provide a full impartial investigation and report of the killings of Sudanese employees of foreign Government relief organizations, despite the announcement during 1993 by the Government of the Sudan of its intention to convene an independent judicial inquiry commission, which would issue such a report,

Noting the widespread conditions of armed conflict existing within the Sudan, whose continuation only exacerbates the deterioration of the human rights situation, leading to further violations by all sides in the conflict,

Welcoming the efforts of the United Nations and other humanitarian organizations to provide humanitarian relief to those Sudanese in need,

Deeply concerned that access by the civilian population to humanitarian assistance has been impeded, but hoping the recent dialogue between the Government of the Sudan, donor Governments and international non-governmental organizations will result in improved delivery of humanitarian aid,

Deeply concerned also about increasing air attacks by the Sudanese air force in southern Sudan resulting in great harm and injury to the civilian population, Alarmed by the large number of internally displaced persons, notably in the Nuba mountain region, and victims of discrimination in the Sudan, including women, children, and members of minorities, who have been forcibly displaced in violation of their human rights,

Conscious of the burden of the continued mass exodus of refugees into neighbouring countries, but expressing its appreciation for the international efforts to assist them, thereby easing the burden on host countries,

Emphasizing that it is essential to put an end to the serious deterioration of the human rights situation in the Sudan,

1. Expresses its thanks to the Special Rapporteur for his most recent report (E/CN.4/1994/48);

2. Expresses its deep concern at the continuing and serious human rights violations in the Sudan, including summary executions, detentions without due process, abductions, forced displacement of persons and torture;

3. Urges the Government of the Sudan to respect fully human rights, and calls upon all parties to cooperate in order to ensure such respect;

4. Notes with displeasure the interference by the Government of the Sudan with the visit to the Sudan of the Special Rapporteur during September 1993;

5. Calls upon the Government of the Sudan to comply with applicable international human rights instruments and to bring its national legislation into accordance with the instruments to which the Sudan is a party, in particular the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Slavery Convention, as amended, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in these instruments;

6. Also calls upon the Government of the Sudan to explain without delay the circumstances of the recent air attacks on civilian targets in southern Sudan;

7. Notes with appreciation, in this connection, the current regional efforts of the heads of State of the Intergovernmental Authority on Drought and Development (Kenya, Uganda, Ethiopia and Eritrea) to assist parties to the conflict in the Sudan to reach a peaceful settlement;

8. Urges all parties to the conflict to agree to an immediate cease-fire and to cooperate fully with the present regional initiative of the heads of State of the Intergovernmental Authority on Drought and Development (Kenya, Uganda, Ethiopia and Eritrea);

9. Strongly urges all parties to the hostilities to redouble their efforts to negotiate an equitable solution to the civil conflict to ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby creating the necessary conditions to end the exodus of Sudanese refugees to neighbouring countries and facilitating their early return to the Sudan, and welcomes efforts to facilitate dialogue among the parties to that end;

10. Also calls upon parties to the hostilities to respect fully the applicable provisions of international humanitarian law, including article 3 common to the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, to halt the use of weapons against the civilian population, to protect all civilians, including women, children and members of minorities, from violations, including forcible displacement, arbitrary detention, abductions, ill-treatment, torture and summary execution;

11. Calls upon the Government of the Sudan to ensure a full, thorough and prompt investigation by the independent judicial inquiry commission of the killings of Sudanese employees of foreign relief organizations, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;

12. Also calls upon the Government of the Sudan and all parties to the conflict to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population and to cooperate in the initiatives of the Department of Humanitarian Affairs of the United Nations Secretariat to deliver assistance to all persons in need;

13. Decides to extend the mandate of the Special Rapporteur for an additional year;

14. Requests the Secretary-General to continue to give the Special Rapporteur all necessary assistance in the discharge of his mandate;

15. Calls upon the Government of the Sudan to extend its full and unreserved cooperation and to assist the Special Rapporteur in the ongoing discharge of his mandate and, to this end, to take all necessary steps to ensure that the Special Rapporteur has free and unlimited access to any person in the Sudan with whom he wishes to meet, with no threats or reprisals;

16. Requests the Special Rapporteur to report his findings and recommendations to the General Assembly at its forty-ninth session and to the Commission on Human Rights at its fifty-first session;

17. Decides to consider the situation of human rights in the Sudan at its fifty-first session under the same agenda item.

65th meeting
9 March 1994
[Adopted by a roll-call vote of 35 to 9,
with 9 abstentions. See chap. XII.]

1994/80. Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have the obligation to promote human rights and to fulfil the obligations they have undertaken under the various instruments in this field,

Recalling its resolution 1993/68 of 10 March 1993,

Having in mind the report (E/CN.4/1994/55) of the Special Rapporteur, Mr. Marco Tulio Bruni Celli, appointed by the Chairman of the Commission at its forty-eighth session,

Recalling General Assembly resolutions 46/7 of 11 October 1991, 46/138 of 17 December 1991, 47/20 A of 24 November 1992, 47/143 of 18 December 1992, 48/27 of 6 December 1993 and 48/151 of 20 December 1993,

Deeply concerned about the grave events in Haiti since 29 September 1991, which abruptly and violently interrupted the democratic process in that country and have resulted in the loss of human lives and violations of human rights,

Concerned at the mass exodus of Haitian nationals fleeing the country because of the steadily deteriorating political and economic situation since 29 September 1991,

Deeply alarmed at the persistence and worsening of serious violations of human rights during 1993, in particular summary and arbitrary executions, involuntary disappearances, reports of torture and rape, arbitrary arrests and detentions, denial of freedom of expression, assembly and association, and the grave deterioration of the political, economic and social situation in the country,

Deeply concerned about the increase in acts of violence and intimidation against the democratic Government of Haiti, especially the assassination of the Minister of Justice, François Guy Malary, and Antoine Izméry, a prominent supporter of President Aristide, which have contributed to the temporary withdrawal of the International Civilian Mission established by the United Nations and the Organization of American States,

Taking note of the report of the International Civilian Mission which was presented in accordance with General Assembly resolution 47/20 B of 20 April 1993,

Recognizing the important role played by the International Civilian Mission, whose presence in Haiti has helped prevent further violations of human rights, and welcoming the return to Haiti of a number of its members, Taking into account the signature by all parties of the Governors Island Agreement of 3 July 1993 and the New York Pact of 16 July 1993,

Aware of the urgent need to keep a close watch on the situation of human rights in Haiti,

1. Expresses its appreciation to the Special Rapporteur for his report on the situation of human rights in Haiti (E/CN.4/1994/55);

2. Once again strongly condemns the overthrow of the constitutionally elected President, Mr. Jean-Bertrand Aristide, and the use of violence and military coercion, and the subsequent deterioration of the situation of human rights in that country;

3. Expresses its conviction that the full implementation of the Governors Island Agreement by all parties is the only valid framework for resolving the crisis in Haiti and guaranteeing the constitutional order, in order to achieve an improvement in the human rights situation in Haiti, and that the refusal by one of the parties to implement this Agreement has led to a deterioration of the human rights situation;

4. Expresses its deep concern about the considerable worsening of the human rights situation in Haiti since the coup d'état in September 1991 and the resulting increase in violations of the human rights embodied in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the American Convention on Human Rights and other international human rights instruments;

5. Again condemns the persistent worsening of the human rights situation in Haiti during 1993, characterized by deaths, disappearances and assassinations, preventive repression, persecution, arbitrary arrests, torture, improper demands by security personnel for payment in return for not causing injury, abandonment of legislative programmes, the reappearance of the section chiefs, the banning of demonstrations, and police repression of all acts of protest against the military authorities, as well as the grave deterioration of the political, economic and social situation;

6. Requests the Special Rapporteur to visit Haiti in the near future in order to obtain precise information on the situation of human rights in that country, and stresses the importance of the Special Rapporteur being provided, in accordance with the obligations assumed by the Haitian State under the international instruments on human rights ratified by it, with all the necessary facilities in order to fulfil its mandate;

7. Expresses its full support for the International Civilian Mission of United Nations Observers and of the Organization of American States responsible for monitoring respect for human rights in Haiti, and welcomes the return to Haiti of a number of its members, which will help to prevent further violations of human rights;

8. Draws the attention of the international community to the fate of the Haitian nationals who are fleeing the country and requests its support for the efforts being made to assist them;

9. Expresses its appreciation to the Office of the United Nations High Commissioner for Refugees for the work it is doing in aid of the nationals fleeing the country and invites Member States to continue to give financial and material support for its efforts;

10. Calls upon the States Members of the United Nations and other international organizations to intensify their humanitarian assistance to the people of Haiti, support all the efforts made to solve the problems of displaced persons, and encourage the strengthening of the institutional coordination between the specialized agencies and between the United Nations and the Organization of American States;

11. Decides to extend for one more year the mandate of the Special Rapporteur established by Commission resolution 1992/77 of 5 March 1992;

12. Emphasizes the importance of continuing the necessary cooperation between the Special Rapporteur of the Commission and the International Civilian Mission, in order to contribute to the full implementation of their mandates and in that respect emphasizes the contribution that the Centre for Human Rights can provide;

13. Requests the Special Rapporteur to submit a provisional report on the situation of human rights in Haiti to the General Assembly at its forty-ninth session and a final report to the Commission on Human Rights at its fifty-first session;

14. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance in order to fulfil his mandate;

15. Decides to continue its consideration of the situation of human rights in Haiti at its fifty-first session, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
9 March 1994
[Adopted without a vote. See chap. XII.]

1994/81. Human rights violations in the Papua New Guinea island of Bougainville

The Commission on Human Rights,

Guided by the relevant provisions of the Charter of the United Nations and the Universal Declaration of Human Rights, and mindful of its responsibilities under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Reaffirming the validity of the Universal Declaration of Human Rights, as well as of the International Covenant on Civil and Political Rights, on the one hand, and the International Covenant on Economic, Social and Cultural Rights, on the other hand, which are indivisible and interrelated,

Recognizing also that action by civil defence forces has in some cases jeopardized the enjoyment of human rights and fundamental freedoms of the people living in the province of Bougainville,

Expressing deep concern about the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7 and Corr.1-2 and Add.1-2), according to which a large number of human rights violations, including extrajudicial, summary and arbitrary executions, have occurred since April 1991 on the island of Bougainville in the context of the ongoing armed conflict between the security forces of Papua New Guinea and the Bougainville Revolutionary Army,

Welcoming the invitation extended by the Government of Papua New Guinea to the Joint Assembly of the African, Caribbean and Pacific Group of States and the European Community, but disappointed that such access has in the past been denied,

Bearing in mind the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment approved by the General Assembly in resolution 43/173 of 9 December 1988 and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, endorsed by the General Assembly in its resolution 44/162 of 15 December 1989,

Recalling Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/19 of 27 August 1992 and Commission on Human Rights resolution 1993/76 of 10 March 1993,

Having examined the report of the Secretary-General on the human rights situation in Bougainville (E/CN.4/1994/60),

Concerned that the Government of Papua New Guinea has not provided information to the Commission on actions it has taken during the past year,

Recognizing that recent events in the Papua New Guinea province of Bougainville, particularly reports of a large number of human rights violations, require measures to assure the protection of human rights and fundamental freedoms,

Stressing the need for the Government of Papua New Guinea to prosecute those responsible for human rights violations on the island of Bougainville,

1. Welcomes the statement of the Government of Papua New Guinea to the General Assembly at its forty-eighth session that it is prepared to commence negotiations with representatives of various groups in the province of Bougainville, but regrets that the Government has not advised of any subsequent progress towards such negotiations;

2. Calls for peace and negotiations to be urgently pursued between the Government of Papua New Guinea and the various groups in the province of Bougainville;

3. Also calls upon all parties to the conflict to respect strictly all human rights and fundamental freedoms and requests the Government of Papua New Guinea to undertake urgently the search for solutions with a view to implementing measures that would bring about a comprehensive political solution to the conflict;

4. Further calls upon the Government of Papua New Guinea and all parties to the conflict to ensure the immediate and unconditional flow of humanitarian aid and assistance to civilian persons, particularly women and children, in the areas of conflict in the island of Bougainville;

5. Urges the Government of Papua New Guinea promptly to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture to investigate the reports of human rights violations on the island of Bougainville;

6. Also urges the Government of Papua New Guinea to extend its full cooperation to the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture to enable them to report to the Commission at its fifty-first session;

7. Requests the Secretary-General, in the light of developments between the adoption of the present resolution and 30 September 1994, to consider the appropriateness of appointing a special representative whose mandate may include:

(a) To establish direct contact with the Government of Papua New Guinea and representatives of the people of the various groups in the Papua New Guinea province of Bougainville to investigate the situation of human rights in Bougainville, including any progress made towards the full restoration of human rights and compliance with international human rights instruments and international humanitarian law;

(b) To explore ways to promote an end to armed conflict and to facilitate dialogue and negotiations between the parties to the conflict, with a view to reaching a comprehensive, just and lasting solution and the full restoration of human rights;

(c) To receive credible and reliable information from Governments, non-governmental organizations and any other body that may assist him in carrying out his mandate;

(d) To report to the Commission on Human Rights at its fifty-first session;

8. Decides to consider the situation on human rights in Bougainville at its fifty-first session under the same agenda item.

66th meeting
9 March 1994
[Adopted without a vote. See chap. XII.]

1994/82. Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his or her life,

Mindful of General Assembly resolutions on the subject of summary and arbitrary executions, of which the latest is 47/136 of 18 December 1992,

Recalling the other standards which form the legal justification of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including those enumerated in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136,

Mindful of the dismay and condemnation expressed by the World Conference on Human Rights at the continuing occurrence of gross and systematic violations of human rights, including summary and arbitrary executions,

Welcoming the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (United Nations publication, Sales No. E.91.IV.1),

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions,

Condemning especially violations of the right to life of minors and, in particular, children and adolescents without homes,

Welcoming the attention given to various aspects and situations of violations of the right to life by the Special Rapporteur in his report (E/CN.4/1994/7 and Corr.1-2 and Add.1-2),

Welcoming the methods of work adopted by the Special Rapporteur, including following up on communications and country visits,

Also welcoming the attention given by the Special Rapporteur in his report to violations of the right to life in connection with suppression of the right to freedom of opinion and expression, peaceful assembly and association,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represents a flagrant violation of the fundamental right to life,

1. Strongly condemns once again the large number of extrajudicial, summary or arbitrary executions which continue to take place throughout the world;

2. Appeals urgently to Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations to take effective action to combat and eliminate the phenomenon of extrajudicial, summary or arbitrary executions;

3. Takes note with appreciation of the report of the Special Rapporteur (E/CN.4/1994/7 and Corr.1-2 and Add.1-2) and welcomes his recommendations with a view to eliminating extrajudicial, summary or arbitrary executions;

4. Also notes the valuable recommendations made by the Special Rapporteur after his visits to particular countries, as contained in the addenda to his report;

5. Requests the Special Rapporteur, in carrying out his mandate, to continue to examine situations of extrajudicial, summary or arbitrary executions and to continue to submit on an annual basis his findings, together with conclusions and recommendations, to the Commission on Human Rights;

6. Also requests the Special Rapporteur, in carrying out his mandate, to respond effectively to information which comes before him, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

7. Commends the Special Rapporteur for his methods of following up on communications with Governments and sources of information, and encourages him to enhance further his dialogue with Governments as well as to follow up on recommendations made in reports after visits to particular countries;

8. Requests the Special Rapporteur in his next report to continue to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to national or ethnic, religious and linguistic minorities;

9. Urges the Special Rapporteur to draw to the attention of the High Commissioner for Human Rights such situations of extrajudicial, summary and arbitrary executions as are of particularly serious concern to him or where early action might prevent further deterioration;

10. Requests the Special Rapporteur to continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

11. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in this regard;

12. Urges Governments to undertake all necessary and possible measures to prevent the needless loss of life during situations of public manifestations, internal and communal violence, disturbances, tension and public emergency and to grant special protection to those who find themselves in particularly vulnerable situations during such events;

13. Appeals to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and other pertinent international instruments;

14. Reiterates the obligation of all Governments, bearing in mind the norms and principles contained in the pertinent international instruments, to carry out exhaustive and impartial investigations into allegations of all suspected cases of extrajudicial, arbitrary and summary executions, to identify, bring to justice and punish the perpetrators, to provide the right to seek and receive, as appropriate, compensation for the victims or their families and to take effective measures to avoid future recurrence of such violations;

15. Strongly urges all Governments to respond to communications transmitted to them by the Special Rapporteur, and calls on them and all others concerned to cooperate with and assist the Special Rapporteur so that his mandate may be carried out effectively;

16. Expresses its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by him and invites them to report to the Special Rapporteur on action taken on these recommendations;

17. Encourages Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers and government officials, as well as members of the United Nations peace-keeping or observer missions on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

18. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur and, in view of the increasing workload of the Special Rapporteur, to substantially increase, within existing resources, the human and material resources placed at his disposal;

19. Also requests the Secretary-General and the Special Rapporteur to continue seeking ways of raising public awareness of the persistent occurrence of extrajudicial, summary or arbitrary executions and of the work and recommendations made by the Special Rapporteur;

20. Requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

21. Decides to consider the question of extrajudicial, summary or arbitrary executions as a matter of high priority at its fifty-first session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
9 March 1994
[Adopted without a vote. See chap. XII.]

1994/83. Situation of human rights in southern Lebanon

The Commission on Human Rights,

Gravely concerned by the persisting practices of the Israeli occupation forces in southern Lebanon, which constitute a violation of the principles of international law regarding the protection of human rights, in particular the Universal Declaration of Human Rights, as well as a grave violation of the relevant provisions of international humanitarian law as contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Hague Convention IV of 1907,

Recalling its deep regret at the failure of Israel to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982,

Deploring the repeated Israeli aggression in southern Lebanon, particularly the Israeli attack on the south and the west Bekaa in July 1993, which caused a large number of deaths and injuries and the displacement of hundreds of thousands of inhabitants, as well as the destruction of several houses, hospitals, schools and public buildings,

Reaffirming that the continued occupation and the practices of the Israeli forces constitute a violation of the resolutions of the Security Council as well as of the will of the international community and the conventions in force in this respect,

Hoping that the steps and efforts dedicated to attaining peace in the Middle East will put an end to violations of human rights in the occupied zone in southern Lebanon, and that the peace negotiations will proceed to settle the Middle East conflict and achieve a just and comprehensive peace in the region,

Gravely concerned by the impeding of the International Committee of the Red Cross and other humanitarian organizations from accomplishing their humanitarian mission in the occupied area of southern Lebanon, in particular to ascertain reports of ill-treatment of detainees in the detention centres of Khiyam and Marjayoun, Reaffirming its resolution 1993/67 of 10 March 1993, and expressing its deep regret at the failure of Israel to implement this resolution,

1. Condemns the continued Israeli violations of human rights in southern Lebanon, manifested particularly by the arbitrary detention of civilians, the destruction of their houses, the confiscation of their property, their expulsion from the occupied area, the bombardment of villages and civilian areas, and other practices violating human rights;

2. Calls upon Israel to put an end immediately to such practices and to implement the above-mentioned resolutions of the Security Council which demand the immediate, total and unconditional withdrawal of Israel from all Lebanese territories and respect for the sovereignty, independence and territorial integrity of Lebanon;

3. Also calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and the west Bekaa, to comply with the Geneva Conventions of 1949, specifically the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

4. Further calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and the west Bekaa, to release immediately all those Lebanese and other prisoners detained in the Israeli prisons and detention centres contrary to all the Geneva Conventions and to other provisions of international law;

5. Calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and the west Bekaa, to facilitate the humanitarian mission of the International Committee of the Red Cross and other humanitarian organizations in that region and, in particular, to allow these organizations to visit the detention centres of Khiyam and Marjayoun and verify the living conditions of the detainees;

6. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its forty-ninth session and to the Commission on Human Rights at its fifty-first session on the results of his efforts in this regard;

7. Decides to continue its consideration of the situation of human rights in southern Lebanon at its fifty-first session.

66th meeting
9 March 1994
[Adopted by a roll-call vote of 48 to 1,
with 3 abstentions. See chap. XII.]

1994/84. Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also its relevant resolutions, as well as the resolutions of the General Assembly and the decisions of the Economic and Social Council,

Bearing in mind, in particular, its resolution 1993/66 of 10 March 1993, in which it was decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year and to request him to report to the General Assembly at its forty-eighth session, and of Economic and Social Council decision 1993/275 of 28 July 1993, in which the Council approved the Commission's decision,

Recalling General Assembly resolution 48/152 of 20 December 1993 and noting with concern that since its adoption the situation of human rights in Afghanistan has further deteriorated owing to the recent outbreak of large-scale fighting,

Noting that, following the demise of the former Afghan Government, a transitional Islamic State of Afghanistan was established,

Noting with deep concern that in spite of the efforts and initiatives taken by the Government of Afghanistan towards ensuring complete peace and stability, a situation of armed confrontation, affecting mainly the civilian population, which is still the target of indiscriminate military attacks by rival groups, continues to exist in parts of the territory of Afghanistan, and in particular in Kabul, and has also caused a dramatic rise in the number of persons displaced inside the country,

Concerned that the prevailing situation in the country as regards the political and legal order is affecting the security of members of all ethnic and religious groups, including minorities, Noting with concern reports of violations of rights enshrined in the International Covenant on Civil and Political Rights, such as the right to life, to liberty and security of person and to freedom of opinion, expression and association,

Deeply concerned about the recurring violations of human rights specific to or primarily directed against women by warring factions in Afghanistan and about the lack of respect towards them and their physical integrity and dignity, as reported by the Special Rapporteur,

Concerned also at reports of detainees who are being held for political reasons by rival groups, in particular in prisons run by political parties, among whom are several members of the former Government,

Noting that much remains to be done for the treatment of prisoners to be in conformity with the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Deeply concerned at the decline in the repatriation of Afghan refugees in 1993 and at reports of new waves of refugees and internally displaced persons in the first months of 1994, owing to the prevailing situation in Afghanistan, and expressing the hope that conditions in the country will allow those still in exile to return as soon as possible,

Noting with appreciation the efforts undertaken by some neighbouring countries to provide assistance to growing flows of refugees pending their repatriation, despite diminishing financial and other resources,

Aware that peace and security in Afghanistan are prerequisites for the successful repatriation of about 4 million refugees, in particular the achievement of a comprehensive political solution and the establishment of a freely and democratically elected government, the end of armed confrontation in Kabul and in some provinces, the clearance of minefields that have been laid in many parts of the country, the restoration of an effective authority in the whole country and the reconstruction of the economy,

Affirming that the declaration of general amnesty issued by the Islamic State of Afghanistan should be applied in a strictly non-discriminatory manner and that prisoners detained by rival groups without trial on Afghan territory should be released unconditionally,

Commending the activity carried out by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in cooperation with the Afghan authorities, as well as non-governmental organizations, in favour of the people of Afghanistan,

Taking note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan and of the conclusions and recommendations contained therein (E/CN.4/1994/53), Commending the efforts by the Special Rapporteur to implement its resolution 1993/46 of 8 March 1993 and the Vienna Declaration and Programme of Action (A/CONF.157/23) by including in his report information on human rights violations affecting women,

Noting that owing to security considerations the Special Rapporteur has been unable to visit Kabul recently,

1. Welcomes the cooperation that authorities in Afghanistan have extended to the Special Rapporteur on the situation of human rights in Afghanistan in view of the circumstances prevailing in the country;

2. Also welcomes the cooperation that the authorities in Afghanistan have extended, in particular to the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and to international organizations, such as the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. Urges all the Afghan parties to undertake, where appropriate under the auspices of the United Nations, all possible efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Afghanistan, based on the free exercise of the right to self-determination by the people, including free and genuine elections, the cessation of armed confrontation and the creation of conditions that will permit the free return, as soon as possible, of about 4 million refugees to their homeland in safety and dignity, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans;

4. Welcomes all the efforts towards reaching a comprehensive, peaceful political solution to the conflict in Afghanistan, and in particular General Assembly resolution 48/208 of 21 December 1993, by which the General Assembly requested the Secretary-General to dispatch as soon as possible a United Nations special mission to Afghanistan to canvass a broad spectrum of Afghanistan's leaders to solicit their views on how the United Nations can best facilitate national rapprochement and reconstruction, and report to the Secretary-General their findings, conclusions and recommendations for appropriate action;

5. Urges all the parties to carry out, as soon as possible, a disarmament process which constitutes a prerequisite to a solution to the conflict, as decided also in the Islamabad agreement signed by the Afghan parties;

6. Invites the United Nations to offer, upon request of the Afghan Government and with due regard to the Afghan tradition, advisory services and technical assistance concerning the drafting of the Constitution, which should embody internationally accepted human rights principles, and the holding of direct elections;

7. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and calls on all Afghan parties to respect human rights;

8. Urges all the Afghan parties to respect accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, to halt the use of weapons against the civilian population, to protect all civilians from acts of reprisal and violence, including ill-treatment, torture and summary executions, and to expedite the simultaneous release of prisoners wherever they may be held;

9. Urges the Afghan authorities to provide sufficient and effective remedies to the victims of grave human rights violations and to bring their perpetrators to trial in accordance with internationally accepted standards;

10. Strongly urges all Afghan parties to ensure respect for the human rights and fundamental freedoms of women, so that their honour and dignity are ensured in accordance with the provisions of international human rights instruments and humanitarian law;

11. Calls upon all States and parties concerned to make all efforts for the realization of General Assembly decision 47/428 of 16 December 1992, entitled "Prisoners of war and persons missing as a result of war in Afghanistan", and calls upon them to make all efforts for the immediate release of all prisoners of war, and in particular of former Soviet prisoners of war, as provided for under article 118 of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, considering that the hostilities in which the former Soviet Union was involved have legally and effectively ended, as well as for the tracing of the many Afghans still missing as the result of the war;

12. Urges the unconditional release of all prisoners detained without trial on the Afghan territory by rival groups, and calls for the abolition of prisons run by political parties;

13. Calls upon the authorities in Afghanistan to investigate thoroughly the fate of those persons who have disappeared during the conflict, to apply amnesty decrees equally to all detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or those in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to apply to all suspected or convicted persons article 14, paragraphs 3 (d), 5, 6 and 7 of the International Covenant on Civil and Political Rights;

14. Takes note of the recommendation of the Special Rapporteur that measures are needed in order to facilitate the passage of humanitarian convoys along the highway between Jalalabad and Kabul;

15. Appeals to all Member States to provide adequate humanitarian assistance to Afghanistan to contribute to alleviating the suffering of refugees, especially the living conditions of women and children;

16. Urges the international community to sustain the increasing financial efforts undertaken by humanitarian agencies, such as the Office of the United Nations High Commissioner for Refugees and other United Nations agencies or non-governmental organizations, to assist the Afghan refugees;

17. Urgently appeals to all Member States and humanitarian organizations to continue to promote the implementation of the projects envisaged by the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, especially the pilot projects for the repatriation of refugees;

18. Reiterates its appeals to all Member States, humanitarian organizations and all parties concerned to cooperate fully on the subject of mine detection and clearance, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity;

19. Strongly urges all the parties to the conflict to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of the United Nations humanitarian and economic assistance programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, in order to avoid further deplorable incidents such as those which have caused loss of life among that personnel;

20. Invites the United Nations Educational, Scientific and Cultural Organization, once the situation is back to normal and upon invitation of the Afghan Government, to study the situation of the Kabul Museum and of the national archives and to take proper action to preserve the Afghan cultural heritage;

21. Recommends that the translation into the Dari and Pashto languages of the report of the Special Rapporteur be completed;

22. Urges the authorities in Afghanistan to continue to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur, and requests the Special Rapporteur to make use of all appropriate means to gather information about specific instances of grave violations of human rights;

23. Decides to extend the mandate of the Special Rapporteur for one year and to request him to report on the situation of human rights in Afghanistan to the General Assembly at its forty-ninth session and to the Commission at its fifty-first session;

24. Calls on the Special Rapporteur to broaden and intensity efforts in addressing human rights violations that are specific to or primarily directed against women, in order to assure the effective protection of their human rights;

25. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

26. Decides to continue its consideration of the human rights situation in Afghanistan as a matter of high priority, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
9 March 1994
[Adopted without a vote. See chap. XII.]

1994/85. Situation of human rights in Myanmar

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Aware that, in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

Noting with particular concern in this regard that the electoral process initiated in Myanmar by the general elections of 27 May 1990 has not yet reached its conclusion and that the Government still has not implemented its commitments to take all necessary steps towards democracy in the light of those elections,

Deploring that many political leaders, in particular elected representatives, remain deprived of their liberty and that Daw Aung San Suu Kyi, a Nobel Peace Prize laureate, is still under house arrest and, according to some sources, will not in any event be released before the end of 1994,

Noting the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 12 August 1949 for the protection of war victims and the release of a number of political prisoners, at the urging of the international community,

Gravely concerned at the violations of human rights in Myanmar which remain extremely serious, in particular the practice of torture, summary and arbitrary executions, forced labour, including forced portering for the military, abuse of women, politically motivated arrests and detention, forced displacement of the population, the existence of important restrictions on the exercise of fundamental freedoms, including the freedom of expression and association, and the imposition of oppressive measures directed, in particular, at minority groups,

Noting further that many violations directly affect women, in particular women belonging to minorities, who have suffered ill-treatment, especially at the hands of the military, as stated by the Special Rapporteur,

Noting that this situation has resulted in flows of refugees towards neighbouring countries,

Deeply concerned at the continuous problems created in neighbouring countries by this exodus of refugees, including some 200,000 refugees still living in Bangladesh,

Welcoming, nevertheless, the signing on 5 November 1993 by the Government of Myanmar and the Office of the United Nations High Commissioner for Refugees, of the Memorandum of Understanding on the voluntary repatriation of refugees from Bangladesh,

Having examined the reports of the Working Group on Arbitrary Detention (E/CN.4/1994/27), the Special Rapporteur on the question of torture (E/CN.4/1994/31), and the Special Rapporteur on the question of religious intolerance (E/CN.4/1994/71 and Add.1),

Recalling its resolution 1992/58 of 3 March 1992, in which it decided to nominate a special rapporteur to establish direct contacts with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian Government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Taking note of General Assembly resolution 48/150 of 20 December 1993,

Noting that the Special Rapporteur has visited Myanmar at the invitation of the Government of Myanmar,

Deploring, however, that, in spite of the provisions of resolution 1993/73 requesting the Myanmar authorities to extend their full and unreserved cooperation to the Special Rapporteur, he has been denied access to Daw Aung San Suu Kyi,

Reaffirming that Daw Aung San Suu Kyi, a Nobel Peace Prize laureate, who has recently been authorized to receive a number of visits, must be released immediately and unconditionally,

Taking note of the cease-fire being observed and the negotiations under way between the Government of Myanmar and several minority groups,

1. Expresses its thanks to the Special Rapporteur for his report (E/CN.4/1994/57) and the conclusions and recommendations contained therein;

2. Deplores the continued seriousness of the situation of human rights in Myanmar and, in particular, the fact that a number of political leaders, including Daw Aung San Suu Kyi and other leaders of the National League for Democracy, remain deprived of their liberty;

3. Again urges the Government of Myanmar to take, in conformity with the assurances given at various times, all necessary measures to establish a democratic State in full accordance with the will of the people as expressed in the democratic elections held in 1990;

4. Notes with concern that most of the representatives democratically elected in 1990 have been excluded from participating in the meetings of the National Convention, created to prepare the basic elements for the drafting of a new constitution, that severe restrictions have been imposed on delegates, including members of the National League for Democracy, who are unable to meet or distribute their literature, and that one of the objectives of the Convention is to maintain the participation of the armed forces (Tatmadaw) in a leading role in the future political life of the State;

5. Notes with concern the observation of the Special Rapporteur with regard to the National Convention that no evident progress has been made towards turning power over to a freely elected Government;

6. Strongly urges the Government of Myanmar to take all appropriate measures to allow all citizens to participate freely in the political process, in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through the transfer of power to the democratically-elected representatives, lifting restraining orders placed on a number of political leaders, releasing those who are detained and ensuring that all political parties can function freely;

7. Strongly urges the Government of Myanmar to restore full respect for human rights and fundamental freedoms, in particular the freedom of expression and opinion and the right of association and of assembly, to restore protection of persons belonging to minority groups, notably against discrimination, especially in the framework of the citizenship laws, and to put an end to violations of the right to life and integrity of the human being, to the practice of torture, abuse of women and forced labour, to enforced displacements of the population and to enforced disappearances and summary executions;

8. Reminds the Government of Myanmar of its obligation to put an end to the impunity of perpetrators of violations of human rights, including members of the military, and its responsibility to investigate alleged cases of human rights violations committed by its agents on its territory, to bring them to justice, prosecute them and punish those found guilty, in all circumstances;

9. Regrets the recent harsh sentences meted out to a number of dissidents, including persons voicing dissent in regard to the procedures of the National Convention;

10. *Regrets also* that, while a certain number of political prisoners have been released, many political leaders are still deprived of their freedom and their fundamental rights;

11. *Strongly urges* the Government of Myanmar to release immediately and unconditionally the Nobel Peace Prize laureate, Daw Aung San Suu Kyi, detained without trial for the last five years, as well as other detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in the process of national reconciliation;

12. *Calls upon* the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

13. *Appeals* to the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29) and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) of the International Labour Organisation;

14. *Encourages* the Government of Myanmar to continue to lift the emergency measures;

15. *Requests* the Government of Myanmar to ensure that all persons, without discrimination, are afforded the minimum guarantees for a fair trial, according to due process of law and in conformity with applicable international standards, that laws are given due publicity and that the principle of non-retroactivity of laws is respected;

16. *Requests* the Government of Myanmar to create the necessary conditions to facilitate the early repatriation of Myanmar refugees in neighbouring countries and their full reintegration, in conditions of safety and dignity, and to implement fully the Memorandum of Understanding concluded with the Office of the United Nations High Commissioner for Refugees on 5 November 1993, concerning refugees in Bangladesh;

17. *Invites* the Government of Myanmar to fully respect its obligations under the Geneva Conventions of 12 August 1949, in particular their common article 3, and to avail itself of such services as may be offered by impartial humanitarian bodies;

18. *Stresses* that it is important for the Government of Myanmar to give particular attention to prison conditions in the country's jails and to allow international humanitarian organizations to communicate freely and confidentially with prisoners;

19. *Welcomes* the first measures taken by the Government of Myanmar to provide for the training of military personnel in international humanitarian law and requests it to intensify its efforts in that regard and to extend them to police and prison personnel;

20. Decides to extend for one year the mandate of the Special Rapporteur to establish or continue direct contacts with the Government and people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, and requests him to report to the General Assembly at its forty-ninth session and to the Commission on Human Rights at its fifty-first session;

21. Urges the Government of Myanmar to cooperate fully and unreservedly with the Commission and the Special Rapporteur and, to that end, to ensure that the Special Rapporteur has effectively free access to any person in Myanmar whom he may deem it appropriate to meet in the performance of his mandate, including Daw Aung San Suu Kyi;

22. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance;

23. Decides to keep the matter under review at its fifty-first session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
9 March 1994
[Adopted without a vote. See chap. XII.]

1994/86. Situation of human rights in Burundi

The Commission on Human Rights,

Guided by the principles set out in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming its complete determination with regard to respect for the principles of the rule of law, which involves democracy, national unity, pluralism and respect for the fundamental rights and freedoms of the individual,

Deeply concerned at the inter-ethnic violence since the attempted coup d'état on 21 October 1993, involving loss of human life and violations of human rights in Burundi,

Concerned about the mass exodus of persons from Burundi who have fled their country to take refuge in neighbouring countries, which increases the number of displaced persons in those host countries, and about the large number of persons displaced within the country,

Particularly convinced that consolidation of democratic gains helps to create a favourable environment for lasting settlement of the ethnic tension that has brought bloodshed to the country over the past 30 years, and enables every citizen of Burundi to take part in the economic and social development of his country,

1. *Strongly condemns* the brutal and violent break in the democratic process initiated in Burundi, demands an immediate end to acts of violence and calls on all sectors of society, both civilian and military, to respect the Constitution of the country;

2. *Invites* the international community to continue to lend its political, diplomatic, material and financial support to end the violence, to help the Government of Burundi to find a lasting solution to the ethnic tension and to create conditions to favour the return of the refugees;

3. *Is grateful* to the States which have given refuge in their diplomatic premises to members of the Government of Burundi, thanks them for the technical assistance they have provided to ensure those persons' safety and also thanks the international community for its humanitarian assistance to the citizens of Burundi during the crisis;

4. *Notes with satisfaction* that the Secretary-General has responded immediately to this situation by sending a special envoy with a good offices mission so as to facilitate the restoration of the constitutional regime;

5. *Welcomes* the appointment by the Secretary-General of a Special Representative for Burundi and current efforts aimed at setting up an international mission of inquiry charged with establishing the facts surrounding the attempted *coup d'état* and the resulting violence and with providing advice to facilitate the efforts of the Government of Burundi and the Organization of African Unity;

6. *Commends* the efforts made by the Organization of African Unity and the various initiatives taken by associations for the protection of human rights to help the Government of Burundi re-establish democratic institutions, restore confidence and stabilize the situation;

7. *Encourages* the Government of Burundi in its action to secure participation by all components of the population in the conduct of the political and administrative affairs of the country;

8. *Also invites* the authorities of Burundi to carry out a prompt inquiry into the violations of human rights resulting from the attempted *coup d'état* of 21 October 1993, as well as the inter-ethnic massacres, and to bring the persons responsible for these acts of violence before the courts;

9. *Requests* the Secretary-General to report to it at its fifty-first session on the situation of human rights in Burundi, on the basis of all relevant information;

10. *Encourages* the Government of Burundi to request technical assistance to strengthen the structures for the promotion and protection of human rights, more particularly through the advisory services programme of the Centre for Human Rights, in close cooperation with the Secretary-General's special representative for Burundi;

11. *Decides* to consider the situation of human rights in Burundi at its fifty-first session under the agenda item entitled "Question of the violation

of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
9 March 1994
[Adopted without a vote. See chap. XII.]

1994/87. Situation of human rights in Zaire

The Commission on Human Rights,

Guided by the principles embodied in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that, under Articles 55 and 56 of the Charter of the United Nations, all States Members of the Organization have an obligation to promote and protect human rights and fundamental freedoms and to cooperate for that purpose,

Noting also its resolution 1993/61 of 10 March 1993,

Recalling that, from 1985 to 1989 and from 1991 to 1993, it examined the situation of human rights in Zaire under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970,

Emphasizing that Zaire is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights, as well as to the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming in this connection the indivisibility of all human rights,

Having examined the reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7 and Corr.1-2 and Add.1-2), the Special Rapporteur on torture (E/CN.4/1994/31) and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26 and Corr.1-2 and Add.1),

Concerned about the persistent seriousness of the situation of human rights in Zaire and, in particular, about the use of force during peaceful gatherings, arbitrary arrests and detentions, summary executions, torture and inhuman treatment in detention centres, serious shortcomings in the administration of justice, which is unable to function independently, violations of freedom of opinion and expression and forced population displacements,

Seriously concerned in this connection by the reports of the humanitarian inter-agency evaluation mission and of various non-governmental organizations concerning forced displacements of more than 750,000 persons belonging to ethnic minorities, especially in the provinces of Shaba and Northern Kivu, as well as the heavy loss of human life and numerous other violations of human rights accompanying such displacements,

Reiterating its loathing of all forms of racial or ethnic discrimination,

Stressing that the situation described above is contributing to the worsening of the country's socio-economic and financial situation, in particular that of the most vulnerable groups,

Re-emphasizing the need to put an end to the impunity of persons responsible for human rights violations,

Concerned about the serious obstacles which still stand in the way of the process of democratic transition and wishing to encourage the efforts being made to guarantee the continuation of this process, in full respect for human rights and fundamental freedoms,

1. Deplores the continuing serious violations of human rights and fundamental freedoms in Zaire, particularly the practice of torture and cruel, inhuman and degrading treatment or punishment, arbitrary detention and incommunicado detention, inhuman and degrading prison conditions, especially in the detention centres administered by the army, enforced disappearances, summary and arbitrary executions of persons who have exercised their right to freedom of opinion and expression, and denial of the right to a fair trial;

2. Notes with indignation that the army and the security services have used force against unarmed civilians;

3. Calls for the cessation of intimidation measures and reprisals against prominent political figures;

4. Condemns the practice of forced population displacements, particularly in Northern Kivu and Shaba, for which the authorities bear primary responsibility;

5. Condemns all discriminatory measures affecting persons belonging to minority groups;

6. Calls for full observance of the right to freedom of opinion and expression and freedom of association, assembly and peaceful demonstration;

7. Recommends that the thematic rapporteurs and working groups of the Commission should continue to keep a close watch on the situation of human rights in Zaire;

8. Invites the Chairman of the Commission to appoint, after consultations with the Bureau, a special rapporteur mandated to establish direct contacts with the authorities and the people of Zaire;

9. Requests the Special Rapporteur to report to the Commission, at its fifty-first session, on the basis of any information which might be gathered on the situation of human rights in Zaire, including information supplied by non-governmental organizations;

10. Decides to consider the question again at its fifty-first session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
9 March 1994
[Adopted without a vote. See chap. XII.]

1994/88. Situation of human rights in Angola

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Vienna Declaration and the Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, and noting the resolution on the situation in Angola adopted by the Council of Ministers of the Organization of African Unity at its 59th ordinary session,

Deeply concerned about the grave humanitarian situation, the serious deterioration of human rights, and the destruction of basic infrastructures as a result of the continuing hostilities in Angola,

Recalling the relevant Security Council resolutions and stressing the importance it attaches to the acceptance by the National Union for the Total Independence of Angola without reservations, as requested by the Security Council, of the results of the democratic elections of 29 and 30 September 1992, held under United Nations supervision and to its abiding fully by the Peace Accords for Angola, and the relevant Security Council resolutions,

Noting that the Angolan Constitution guarantees civil, political, economic, social and cultural rights and fundamental freedoms in Angola, and stressing the need for full implementation of the Constitution,

Welcoming the continuing direct negotiations at Lusaka under the auspices of the United Nations, and the ongoing efforts of the Government of Angola and the National Union for the Total Independence of Angola to reach a negotiated settlement,

Commending the effort of the Secretary-General and his Special Representative aimed at the earliest resolution of the Angolan crisis through negotiation within the framework of the Peace Accords and relevant Security Council resolutions,

1. Strongly supports the process of democratization in Angola and further encourages the Government of Angola to pursue full promotion and protection of human rights and fundamental freedoms in Angola;

2. Encourages the Government of Angola to make use of the advisory services and programme of technical assistance of the Centre for Human Rights and requests the Centre to respond favourably;

3. Reaffirms its support of the ongoing direct negotiations at Lusaka and commends the Government of Zambia for hosting the negotiations;

4. Stresses the importance of a speedy conclusion of a negotiated settlement, calls upon both parties to honour the commitments already made by them and urges them to exercise maximum restraint and to stop immediately all military actions in order to prevent further violation of human rights and suffering on the part of the civilian population of Angola and damage to the economic and social infrastructure of Angola and equally refrain from action impeding the delivery of humanitarian aid;

5. Supports the efforts of the Secretary-General and his Special Representative aimed at the earliest resolution of the Angolan crisis through negotiations within the framework of the Peace Accords for Angola and relevant Security Council resolutions;

6. Strongly appeals to all Member States, United Nations agencies and non-governmental organizations to support ongoing efforts undertaken by the Secretary-General to implement the emergency humanitarian assistance plan;

7. Decides to consider this question at its fifty-first session under the agenda item entitled "Advisory services in the field of human rights".

66th meeting
9 March 1994
[Adopted without a vote. See chap. XII.]

1994/89. Situation in Equatorial Guinea

The Commission on Human Rights,

Recalling its resolution 1993/69 of 10 March 1993,

Bearing in mind that, since the appointment of Mr. Fernando Volio Jiménez as Expert in his individual capacity by the Secretary-General, pursuant to Commission on Human Rights resolution 33 (XXXVI) of 11 March 1980, the Government of Equatorial Guinea has received the advisory services of the Expert and the Centre for Human Rights, but that this has led to no improvement in the human rights situation,

Taking into account that, as in the case of the 1980 three-stage Plan (E/CN.4/1495, annex III), which has never been satisfactorily implemented, the Government has neither taken account of the Emergency Plan of Action (E/CN.4/1992/51, para. 125) drawn up by the Expert in 1992, nor implemented satisfactorily the seven points in the _aide-mémoire_ submitted by the United Nations/United Nations Development Programme inter-agency mission in April 1993,

Taking note with satisfaction of the fact that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols thereto, as well as the Convention on the Elimination of All Forms of Discrimination against Women,

Mindful that it is essential that all the political tendencies and political parties should play an active part in political and social life, in order to ensure the effective transition to a democratic and pluralistic society,

Pointing out that the conditions under which the legislative elections of 21 November 1993 were held did not ensure their transparency or permit the political opposition to participate fully,

Concerned by the fact that there are continued reports that the authorities persist in arbitrarily arresting and detaining political opponents, often subjecting them to torture or cruel, inhuman or degrading treatment, in some cases resulting in their deaths,

Deploring the fact that the Government of Equatorial Guinea has not fully complied with the commitments entered into with the political forces in the National Pact concluded on 18 March 1993,

Taking note with satisfaction of the fact that, on 12 October 1993, the Government took steps to grant pardon and amnesty to a number of prisoners, as suggested by the Special Rapporteur on his first visit to Equatorial Guinea,

Taking note of the report of the Special Rapporteur (E/CN.4/1994/56), in which he notes that serious and persistent violations of human rights and fundamental freedoms continue to occur in Equatorial Guinea,

Aware that it is essential to ensure full observance of human rights and fundamental freedoms in Equatorial Guinea,

1. _Expresses its thanks_ to the Special Rapporteur, Mr. Alejandro Artucio, for his report;

2. _Expresses its serious concern_ at continued reports of the persistence of violations of human rights, such as arbitrary arrests and detentions of political opponents, often accompanied by torture or cruel, inhuman or degrading treatment;

3. _Also expresses its concern_ at the fact that, as in the case of the 1980 Three-Stage Plan, the Government has neither taken account of the new Plan of Action prepared by the Expert in 1992 nor satisfactorily implemented the seven points of the _aide-mémoire_ submitted by the United Nations/United Nations Development Programme inter-agency mission in April 1993;

4. Deplores the situation and legal and social status of women in Equatorial Guinea, as revealed by the report of the Special Rapporteur;

5. Calls upon the Government of Equatorial Guinea to take all necessary measures to promote the harmonious coexistence of all the ethnic groups making up the society of Equatorial Guinea;

6. Also calls upon the Government of Equatorial Guinea to implement procedures for the release of all persons detained or condemned for political reasons and to adopt, as soon as possible, legislative and administrative measures satisfying the requirements laid down in the International Bill of Human Rights and in other relevant international instruments, with a view to furthering democracy, the rule of law and the observance of the human rights and fundamental freedoms of all inhabitants of Equatorial Guinea;

7. Encourages the Government of Equatorial Guinea to continue the dialogue with all elements of the political opposition, with a view to reaching a consensus on the democratization of Equatorial Guinea;

8. Also encourages the Government of Equatorial Guinea to facilitate the return of exiles and refugees and to adopt measures permitting the full participation of all citizens in the country's political, social and cultural affairs, thus helping to resolve the shortage of specialized personnel;

9. Urges the Government of Equatorial Guinea to invite regional and international human rights bodies to make periodic visits to prisons and civil and military detention centres, without any exceptions;

10. Requests the Secretary-General to provide the Government of Equatorial Guinea with technical assistance in those specific areas suggested by the Special Rapporteur in his report;

11. Decides to renew the mandate of the Special Rapporteur for one year;

12. Requests the Secretary-General to provide the Special Rapporteur with all assistance necessary for the discharge of his mandate;

13. Requests the Special Rapporteur to report to the Commission at its fifty-first session;

14. Decides to consider the question at its fifty-first session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
9 March 1994

[Adopted without a vote. See chap. XII.]

1994/90. Need to adopt effective international measures for the prevention and eradication of the sale of children, child prostitution and child pornography

The Commission on Human Rights,

Reaffirming the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, which requires effective measures against female infanticide, harmful child labour, the sale of children and their organs, child prostitution, child pornography and other forms of sexual abuse,

Recalling the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989,

Recalling also the World Declaration on the Survival, Protection and Development of Children in the 1990s and the Plan of Action for its implementation, adopted by the World Summit for Children, held in New York on 29 and 30 September 1990, which establish a solemn commitment of granting priority to the rights of the child and to his or her survival, protection and development, thus contributing to the welfare of every society,

Recognizing the enormous efforts made in this field by the United Nations, particularly the United Nations Children's Fund, the Committee on the Rights of the Child and the Special Rapporteur on the sale of children, child prostitution and child pornography,

Recalling the wide ratification of and accession to the Convention on the Rights of the Child and the important role it plays in ensuring effective protection of the rights of the child,

Recalling also its resolution 1992/74 of 5 March 1992, in which it adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography,

Recalling further its resolutions 1992/76 of 5 March 1992 and 1993/82 of 10 March 1993,

Deeply concerned by the situation of children subjected to the yoke of sale and child prostitution, sexual abuse and other forms of exploitation,

Taking into account the relevant information on the generalization and different forms of exploitation of child labour, such as the use of children for illegal purposes, including drug trafficking,

Dismayed by the persistence of the sale of children and related practices entailing disappearances, fraudulent adoptions, abandonment and abductions for commercial purposes,

Taking into account the necessity that the Special Rapporteur be assisted by the cooperation of Governments and provided with information on this matter, _Recognizing_ the existence of a market, which encourages the increase of such criminal practices against children,

Bearing in mind the different causes that influence the emergence and persistence of this special circumstance, including poverty, unemployment, hunger, natural disasters, intolerance, exploitation of child labour and armed conflicts, and their harmful effects on the rights of the child and the maintenance of family unity,

Aware of the need to increase international cooperation to eliminate the causes of these evils,

Considering that it is necessary to deploy greater efforts at the national and international levels to promote and protect all the rights of the child everywhere in the world,

Recognizing the need for a continued exchange of information between the various mechanisms and bodies entrusted with the task of preventing and eradicating all practices related to the sale of children, child prostitution and child pornography,

Recalling the conventions and recommendations of the International Labour Organisation related to this question,

Noting the report of the second International Workshop on National Institutions for the Promotion and Protection of Human Rights (E/CN.4/1994/45 and Add.1) and in particular the recommendations contained therein concerning children, and the draft optional protocol to the Convention on the Rights of the Child concerning the elimination of sexual exploitation and trafficking of children,

Bearing in mind the formulation by the General Assembly, in its resolution 48/156 of 20 December 1993, of concrete suggestions on this problem,

Having considered the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1994/84 and Add.1) and the conclusions and recommendations contained therein,

1. _Expresses_ deep concern at the alarming increase in violations of the rights of the child worldwide, in particular the growing number of incidents related to the sale of children, child prostitution and child pornography;

2. _Urges_ all Governments to seek solutions, as well as ways and means to enhance and ensure international cooperation to eradicate such aberrant practices;

3. _Also urges_ all States to adopt the necessary administrative and legislative measures to eradicate more effectively the practices of the sale of children, child prostitution and child pornography;

4. Recommends to all States to adopt the necessary measures to eliminate the existing market, which encourages the increase of such criminal practices;

5. Reaffirms the essential values of the Convention on the Rights of the Child and of its effective implementation system at the national and international levels as an essential means to prevent and combat situations of sale of children, child prostitution and child pornography;

6. Welcomes the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1994/84 and Add.1);

7. Endorses the conclusions and recommendations of the Special Rapporteur concerning the strengthening of preventive strategies to tackle the root causes of the sale of children, child prostitution and child pornography;

8. Recognizes the important role that the specialized agencies, the non-governmental organizations and the community at large can play in order to ensure greater awareness and more effective action in preventing the practices of the sale of children, child prostitution and child pornography, including dissemination of information and teaching of the rights of the child;

9. Recalls in this framework the essential importance of ensuring the effective implementation of the Programmes of Action adopted by the Commission on Human Rights for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and for the Elimination of the Exploitation of Child Labour in its resolutions 1992/74 of 5 March 1992 and 1993/79 of 10 March 1993, respectively;

10. Encourages Governments and national and international educational organizations, in particular the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund, to develop programmes for the rights of the child in all areas of formal and non-formal education;

11. Reaffirms the need to strengthen and ensure the effective implementation of the Convention on the Rights of the Child, as well as to provide appropriate remedies in favour of the rights of the child;

12. Encourages the establishment of bodies and institutions, both governmental and non-governmental, which carry out activities in favour of children in the light of children's best interests;

13. Invites the Special Rapporteur to cooperate closely with the Committee on the Rights of the Child and with the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery, as well as with other competent United Nations bodies dealing with questions covered by his mandate, including the Commission on Crime Prevention and Criminal Justice, and the International Criminal Police Organization, and to this effect invites him to participate in the next session of the Committee on the Rights of the Child and of the Working Group on Contemporary Forms of Slavery;

14. Calls upon the Special Rapporteur to request relevant information on situations, wherever they may occur, involving the sale of children, child prostitution and child pornography, as well as other questions related to these problems;

15. Requests the Special Rapporteur, within the framework of his mandate, to continue to pay attention to the economic, social, legal and cultural factors affecting these phenomena;

16. Also requests the Special Rapporteur, within the framework of the above-mentioned reports, to include recommendations on concrete measures by Governments to eradicate the practices of the sale of children, child prostitution and child pornography;

17. Decides to establish an open-ended inter-sessional working group of the Commission on Human Rights responsible for elaborating, as a matter of priority and in close cooperation with the Special Rapporteur and the Committee on the Rights of the Child, guidelines for a possible draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication;

18. Requests the Secretary-General to invite Governments, intergovernmental organizations, the Special Rapporteur, the Committee on the Rights of the Child and non-governmental organizations to send comments on the guidelines for a possible draft optional protocol for consideration by the working group, and to circulate these contributions to Governments in advance of the meeting of the working group;

19. Requests the working group to take into account available documentation and information including, *inter alia*, the report of the second International Workshop on National Institutions for the Promotion and Protection of Human Rights;

20. Also requests the working group to meet between sessions for a period of two weeks before the fifty-first session of the Commission;

21. Further requests the Secretary-General to provide the working group with all the services it requires for the meeting to be held;

22. Decides to consider, as a matter of priority, at its fifty-first session a specific sub-item entitled "Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication";

23. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution II.]

66th meeting
9 March 1994
[Adopted without a vote. See chap. XXII.]

1994/91. Implementation of the Convention on the Rights of the Child

The Commission on Human Rights,

Recalling General Assembly resolutions 47/112 of 16 December 1992 and 48/157 of 20 December 1993, its own resolutions 1993/78 and 1993/83 of 10 March 1993, as well as resolution 1993/5 of 20 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming that the rights of children require special protection and call for continuous improvement of their situation all over the world, as well as for their development and education in conditions of peace and security,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social conditions, natural disasters, armed conflicts, economic and sexual exploitation, illiteracy, hunger and disability, and convinced that urgent and effective national and international action is called for,

Recalling that the Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto of 1977, as well as article 38 of the Convention on the Rights of the Child, accord children special treatment,

Aware of the need to enhance international cooperation to prevent the involvement of children in armed conflicts,

Urging States parties to comply strictly with their obligations under article 38 of the Convention on the Rights of the Child,

Mindful of the important role of the United Nations Children's Fund and of the United Nations in promoting the well-being of children and their development,

Convinced that the Convention on the Rights of the Child, as a decisive standard-setting accomplishment of the United Nations in the field of human rights, makes a fundamental contribution to protecting the rights of children and ensuring their well-being,

Having considered the report of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/1994/83),

Encouraged by the fact that an unprecedented number of States have to date become signatories and parties to the Convention, thereby demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

Mindful of the recommendation contained in the Vienna Declaration and Programme of Action (A/CONF.157/23), part II, paragraph 46, adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, that measures be taken to achieve universal ratification of the Convention by 1995, as well as its effective implementation, Seriously concerned about those reservations to the Convention which are contrary to international treaty law, and recalling that in the Vienna Declaration and Programme of Action, the World Conference on Human Rights urged States to withdraw reservations to the Convention contrary to the object and purpose of the Convention or otherwise contrary to international treaty law,

1. Takes note with appreciation of the report of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/1994/83).

2. Expresses its satisfaction at the number of States that have signed, ratified or acceded to the Convention since it was opened for signature, ratification and accession on 26 January 1990, and calls upon all States that have not done so to sign, ratify or accede to the Convention as a matter of priority;

3. Requests the Secretary-General to continue to provide all facilities and assistance necessary for the dissemination of information on the Convention and its implementation with a view to promoting its universal ratification by 1995, as well as to promote the full realization of its principles and provisions;

4. Expresses its alarm at persistent reports that massive violations of the rights of the child continue worldwide;

5. Urges States parties to take immediate steps to ensure strict compliance with their obligations under the Convention, including the timely submission of their reports to the Committee on the Rights of the Child, in the light of the guidelines elaborated for that purpose (CRC/C/5);

6. Recognizes the important functions of the Committee in overseeing the effective implementation of the Convention and promoting a deeper understanding of its principles and provisions;

7. Welcomes the constructive and useful results achieved by the Committee during its first five sessions;

8. Takes note of the continued consideration by the Committee of the initial reports submitted by the States parties;

9. Urges States parties to the Convention that have made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law, with a view to considering their withdrawal;

10. Welcomes the consideration by the Committee of the reservations and declarations entered by States parties to the Convention when examining the reports of the States parties;

11. Recalls the recommendation contained in the Vienna Declaration and Programme of Action (A/CONF.157/23) that the Committee study the question of raising the minimum age of recruitment into the armed forces;

12. Notes with appreciation the work done by the Committee on this issue, and in particular the preliminary draft optional protocol to the Convention on involvement of children in armed conflicts (E/CN.4/1994/91);

13. Decides to establish an open-ended inter-sessional working group of the Commission on Human Rights to elaborate, as a matter of priority, a draft optional protocol to the Convention on the Rights of the Child, using as one basis for its discussions the above-mentioned preliminary draft optional protocol submitted by the Committee on the Rights of the Child;

14. Invites all Governments, specialized agencies and non-governmental organizations to participate in the activities of the working group;

15. Requests the working group to meet for a period of two weeks prior to the fifty-first session of the Commission;

16. Requests the Secretary-General to invite Governments, intergovernmental organizations, the Committee on the Rights of the Child and the expert on the situation of children in armed conflicts, to be appointed by the Secretary-General pursuant to General Assembly resolution 48/157 of 20 December 1993, as well as non-governmental organizations, to send comments on the preliminary draft optional protocol for consideration by the working group, and to circulate these contributions to Governments in advance of the meeting of the working group;

17. Expresses deep concern at the continued exploitation and abuse of children, requiring effective measures against, in particular, the sale of children, child prostitution and child pornography;

18. Notes the concern voiced by the Committee about the economic exploitation of children, and takes note with interest of the set of recommendations adopted by the Committee on the issue at its fifth session;

19. Expresses concern at the increasingly heavy workload of the Committee on the Rights of the Child and the resulting difficulties faced by it in the fulfilment of its functions;

20. Requests the Secretary-General to continue to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee on the Rights of the Child;

21. Welcomes General Assembly resolution 48/157 of 20 December 1993, in which the Assembly requested the Secretary-General to appoint an expert to undertake a comprehensive study on the protection of children in armed conflicts, including the participation of children in armed conflict, as well as the relevance and adequacy of existing standards, and to make specific recommendations on ways and means to prevent children from being affected by armed conflicts and to improve the protection of children in armed conflicts, and on measures to ensure effective protection of these children;

22. Requests, in the light of General Assembly resolution 48/157, States Members of the United Nations and United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations, to contribute to the study;

23. Invites bodies and organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on the Convention and promoting its understanding;

24. Requests the Secretary-General to submit a report on the implementation of the Convention on the Rights of the Child to the Commission at its fifty-first session;

25. Decides to consider the report of the Secretary-General at its fifty-first session under the agenda item "Rights of the child".

26. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution III.]

66th meeting
9 March 1994
[Adopted without a vote. See chap. XXII.]

1994/92. Special Rapporteur on the sale of children, child prostitution and child pornography

The Commission on Human Rights,

Recalling its resolution 1990/68 of 7 March 1990, in which it decided to appoint a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography,

Recalling also Economic and Social Council decision 1990/240 of 25 May 1990, by which the Council decided to request the Chairman of the Commission to appoint a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes,

Recalling further its resolution 1992/76 of 5 March 1992, by which the Commission decided to extend the mandate of the Special Rapporteur for three years, while maintaining the annual reporting cycle,

Recalling the wide ratification of and accession to the Convention on the Rights of the Child and the meaningful role it can play in ensuring an effective promotion and protection of the rights of children,

Also recalling its adoption of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, in its resolution 1992/74 of 5 March 1992, as well as of the Programme of Action for the Elimination of the Exploitation of Child Labour in its resolution 1993/79 of 10 March 1993,

Welcoming the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, and the importance attached therein to the areas covered by the mandate of the Special Rapporteur,

Bearing in mind that the General Assembly, in its resolution 44/82 of 8 December 1989, proclaimed 1994 as International Year of the Family, and recognizing the important role the Commission can play in this regard,

Welcoming the dialogue established between the Special Rapporteur and the Committee on the Rights of the Child, namely in the framework of the general discussion on economic exploitation of children, where areas of common concern were fruitfully discussed,

Deeply concerned, however, about the persistence of the practices of the sale of children, child prostitution and child pornography in many parts of the world, which may also often constitute an exploitation of child labour,

Recognizing the need for a continuing exchange of information between the various mechanisms and bodies entrusted with the task of preventing and combating the situations of the sale of children, child prostitution and child pornography,

Recognizing also the need to build a network of contacts at both the national and international levels, including the governmental and non-governmental spheres,

Taking note with interest of the establishment by the International Criminal Police Organization of the Standing Working Party on Offences against Minors, inspired by the principle of the best interests of the child and pursuing a child victim oriented policy,

Having considered the report of the Special Rapporteur on the sale of children (E/CN.4/1994/84 and Add.1) and the conclusions and recommendations contained therein,

1. *Welcomes* the report of the Special Rapporteur on the sale of children, child prostitution and child pornography;

2. *Endorses* the conclusions and recommendations of the Special Rapporteur concerning the strengthening of preventive strategies to tackle the root causes of the sale of children, child prostitution and child pornography;

3. *Stresses* the need for an effective multidisciplinary approach, both at the international and national levels;

4. *Recognizes* the important role that specialized agencies, non-governmental organizations and the community at large can play in order to

ensure a greater awareness and more effective action in preventing the practices of the sale of children, child prostitution and child pornography, including by the dissemination of information and the teaching of children's rights;

5. Welcomes the recommendation made by the World Conference on Human Rights that matters relating to human rights and the situation of children be regularly reviewed and monitored by all relevant organs and mechanisms of the United Nations system;

6. Recognizes the importance of strengthening the cooperation between international agencies dealing with development aid and assistance in the field of the rights of the child, in particular in the areas covered by the mandate of the Special Rapporteur;

7. Encourages Governments and national and international organizations to ensure a wide dissemination of the Programmes of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and for the Elimination of the Exploitation of Child Labour;

8. Recognizes the important role the media can play in collecting and disseminating information on children's rights, in particular in the areas covered by the mandate of the Special Rapporteur;

9. Emphasizes the importance of ensuring the training on children's rights of those who are involved in actions concerning children, in particular the judiciary and law enforcement officials, and draws the attention of interested Governments to the possibilities offered in this connection by the United Nations through the programme of advisory services in the field of human rights;

10. Encourages Governments, national and international educational organizations, including the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund, to develop programmes for the rights of the child in all areas of formal and non-formal education;

11. Recognizes the importance of promoting the adoption by the business sector of a code of conduct for child protection with a view to preventing and eliminating the sale of children, child prostitution and child pornography;

12. Reaffirms the need for strengthening and ensuring the effective implementation of the legal framework aimed at effectively protecting children's rights, as well as at providing appropriate remedies for children whose rights have been violated;

13. Recognizes the importance of strengthening international cooperation, including through the adoption of bilateral and multilateral measures, in order to prevent and combat situations of the sale of children, child prostitution and child pornography;

14. Encourages the establishment of bodies and institutions, both governmental and non-governmental, acting on behalf of the child in the light of his or her best interests;

15. Also encourages Governments, national police and other law enforcement authorities to work closely with the International Criminal Police Organization, particularly its Standing Working Party on Offences against Minors, to identify cases relevant to the Special Rapporteur's mandate and to ensure that effective action is taken to prevent and remedy criminal and other acts which give rise to child abuse and exploitation;

16. Endorses the recommendation of the Special Rapporteur that States give urgent consideration to the establishment of a national focal point to gather information and to coordinate action on children's rights, including in the field of the sale of children, child prostitution and child pornography;

17. Takes note with appreciation of the information provided by the Special Rapporteur on these areas as well as on the methods of work he has established;

18. Requests the Special Rapporteur, within the framework of his mandate, to continue to pay particular attention to areas which are still insufficiently documented, and takes note of the short-, medium- and long-term priorities, reflected in his recommendations to the Commission, in the areas of the prevention of sale of children, child prostitution and child pornography and the protection and rehabilitation of the victims;

19. Also requests the Special Rapporteur, in carrying out his mandate, to continue to seek and receive credible and reliable information from Governments, United Nations bodies and intergovernmental and non-governmental organizations;

20. Invites the Special Rapporteur to continue to cooperate closely with the Committee on the Rights of the Child and with the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery, as well as with other competent United Nations bodies dealing with questions covered by his mandate, including the Crime Prevention and Criminal Justice Branch of the Secretariat, and to this effect invites him to participate at the next sessions of those bodies;

21. Appeals to all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to furnish all information requested, including by inviting the Special Rapporteur to undertake country visits;

22. Expresses its thanks to the Governments which have invited the Special Rapporteur to visit their countries and asks them to give all necessary attention to his recommendations and to inform him of any action taken thereon;

23. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur in order to enable him fully to discharge his mandate and to submit his preliminary report to the General Assembly at its forty-ninth session and his report to the Commission at its fifty-first session.

66th meeting
9 March 1994
[Adopted without a vote. See chap. XXII.]

1994/93. The plight of street children

The Commission on Human Rights,

Recalling its resolution 1993/81 of 10 March 1993 and General Assembly resolution 48/136 of 20 December 1993,

Welcoming the special attention given to the rights of children in the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular in part I, paragraph 21,

Recalling the Convention on the Rights of the Child as a major contribution to the protection of the rights of all children, including street children,

Reaffirming that children are a particularly vulnerable group in society whose rights require special protection, and that children living under especially difficult circumstances, such as street children, deserve special attention, protection and assistance from their families and communities and as part of national efforts and international cooperation,

Recognizing that all children have the right to health, shelter and education, to an adequate standard of living and to freedom from violence and harassment,

Deeply concerned about the growing number of street children worldwide and the squalid conditions in which these children are often forced to live,

Profoundly concerned that the killing of and violence against street children threaten the most fundamental right of all, the right to life,

Alarmed at continuing serious offences of this nature against street children,

Recognizing the duty and responsibility of Governments to investigate all cases of offences against street children and to punish offenders,

Recognizing also that legislation per se is not enough to prevent violations of human rights, including those of street children, and that Governments should implement their laws and complement legislative measures with effective action, inter alia, in the fields of law enforcement and in the administration of justice, and in social, educational and public health programmes,

Welcoming the efforts made by some Governments to take effective action to address the question of street children,

Welcoming also the publicity given to and the increased awareness of the plight of street children, and the achievements of non-governmental organizations in promoting their rights and in providing practical assistance to improve their situation, and expressing its appreciation of their continued efforts,

Welcoming further the valuable work of the United Nations Children's Fund and its National Committees in reducing the suffering of street children,

Noting with appreciation the important work carried out in this field by the United Nations, in particular the Committee on the Rights of the Child, the Special Rapporteur on the sale of children, child prostitution and child pornography and the United Nations International Drug Control Programme, as well as the International Criminal Police Organization,

Bearing in mind the diverse causes of the emergence and marginalization of street children, including poverty, underdevelopment, rural-to-urban migration, unemployment, broken families, intolerance, exploitation and war, and that such causes are often aggravated and their solution made more difficult by serious socio-economic difficulties,

Bearing in mind that the Vienna Declaration and Programme of Action urged all States, with the support of international cooperation, to address the acute problem of children in especially difficult circumstances and that national and international mechanisms and programmes should be strengthened for the defence and protection of children, including street children,

Recognizing that the prevention and solution of certain aspects of this problem could be facilitated in the context of economic and social development,

1. Expresses grave concern at the continued growth in the number of incidents worldwide and at reports of street children being involved in and affected by serious crime, drug abuse, violence and prostitution;

2. Urges Governments to continue actively to seek comprehensive solutions to tackle the problems of street children and to take measures to restore their full participation in society, and to provide, inter alia, adequate nutrition, shelter, health care and education;

3. Strongly urges all Governments to guarantee the respect for fundamental human rights, particularly the right to life, and to take urgent measures to prevent the killing of street children and to combat torture and violence against street children;

4. Emphasizes that strict compliance with the provisions of the Convention on the Rights of the Child, which is obligatory for States parties, would constitute a significant step towards solving the problems of street children, and calls upon all States that have not done so to become parties to the Convention as a matter of priority;

5. Calls on the international community to support, through effective international cooperation, the efforts of States to improve the situation of street children and encourages States parties to the Convention on the Rights of the Child, in preparing their reports to the Committee on the Rights of the Child, to bear this problem in mind and to consider requesting technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;

6. Commends the Committee on the Rights of the Child for the attention it pays in its monitoring activities to the situation of children who, to survive, are forced to live and work in the streets, and reiterates its invitation to the Committee to consider the possibility of a general comment on street children;

7. Recommends that the Committee on the Rights of the Child and other relevant treaty monitoring bodies give attention to this growing problem when examining reports from States parties;

8. Invites Governments, United Nations bodies and organizations and intergovernmental and non-governmental organizations to cooperate with each other to ensure greater awareness and more effective action to solve the problem of street children by, among other measures, initiating and supporting development projects that can have a positive impact on the situation of street children;

9. Calls on special rapporteurs, special representatives and working groups of the Commission on Human Rights and of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, within their mandates, to pay particular attention to the plight of street children;

10. Decides to consider the question further at its fifty-first session under the agenda item entitled "Rights of the child".

66th meeting
9 March 1994
[Adopted without a vote. See chap. XXII.]

1994/94. Effects of armed conflicts on children's lives

The Commission on Human Rights,

Welcoming the promptness with which a large number of States have ratified the Convention on the Rights of the Child, which is evidence of unprecedented mobilization by the international community, Noting in particular the fundamental importance of every child's inherent right to life, as recognized in article 6 of the Convention,

Reaffirming that this right is to be applied especially in times of armed conflict, when children's lives and physical integrity are particularly threatened,

Noting with interest that the Committee on the Rights of the Child, at its second session, decided to hold its first general discussion on the situation of children in armed conflicts (see CRC/C/10), thereby acknowledging the fundamental importance of this issue for the promotion and protection of children's rights and the role of the Convention in this regard,

Noting with consternation the very large number of innocent civilians who continue to be the victims of all forms of armed conflicts now taking place in the world,

Deploring the continued practice of enlisting children in the armed forces,

Deeply concerned at the alarming figures for deaths and serious injuries entailing life-long disability among children in areas of conflict,

Alarmed at the information that some particularly injurious weapons, especially anti-personnel mines, continue to strike long after conflicts have ended,

Noting with distress that children are often among the main victims of such weapons, and especially of anti-personnel mines,

Fully aware in this respect of the importance of operations for the effective detection, clearance and destruction of unremoved mines, operations that cannot be conducted without resources or special skills, and anxious to promote international cooperation in this field,

Recalling General Assembly resolution 48/7 of 19 October 1993 entitled "Assistance in mine clearance",

Noting the commitments entered into by States in fields pertaining to humanitarian law, and particularly the Geneva Conventions of 12 August 1949 and their Additional Protocols of 1977,

Recalling that, on the basis both of international humanitarian law and of the provisions of the Convention on the Rights of the Child, States must take all possible measures to ensure special protection and suitable care for children affected by an armed conflict,

Emphasizing also the need to ensure the physical and psychological rehabilitation, as well as social reintegration, of children affected by an armed conflict, *Welcoming* the Declaration adopted by the International Conference for the Protection of War Victims on 1 September 1993, in which States reaffirmed their responsibilities under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977,

Recalling also in this regard the specific commitments entered into by States that have ratified the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and particularly protocol II on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices, and calling on States to consider ratifying these instruments,

Welcoming General Assembly resolution 48/79 concerning the convening and preparation of a conference to review the Convention, priority being given to the provisions of Protocol II,

Recalling its resolution 1993/83 of 10 March 1993,

Aware that the World Conference on Human Rights, convened at Vienna from 14 to 25 June 1990, strongly supported the idea of a study on the protection of children against the effects of armed conflicts, including protection against indiscriminate use of all weapons of war, especially anti-personnel mines, as indicated in the Vienna Declaration and Programme of Action (A/CONF.157/23), paragraph 50,

Taking note with satisfaction of General Assembly resolution 48/157 entitled "Protection of children affected by armed conflicts",

1. *Expresses its deep concern and indignation* at the serious consequences of armed conflicts for children directly or indirectly involved, who are often among the main civilian victims of the use of anti-personnel mines;

2. *Expresses its gratitude again* to the Committee on the Rights of the Child for the views expressed at its second session on the issue of children in armed conflicts, in particular on the need to strengthen preventive measures and to implement effective protection for children, and notes the recommendations made by the Committee at its third session on means of improving the protection of children from the adverse effects of armed conflicts (see CRC/C/16), including the recommendation made to the General Assembly to undertake a study;

3. *Welcomes* the General Assembly decision to appoint an expert, who, in cooperation with the Centre for Human Rights and the United Nations Children's Fund, will undertake a thorough study of this issue, especially the participation of children in armed conflicts, as well as the relevance and adequacy of existing standards, and will make specific recommendations on means of preventing children from being affected by armed conflicts and of improving protection for children in armed conflicts, and on measures to ensure their effective protection, including protection against indiscriminate use of all weapons of war, especially anti-personnel mines, and to ensure

their psychological and physical rehabilitation and social reintegration, taking into account the recommendations of the World Conference on Human Rights and of the Committee on the Rights of the Child;

4. Urges Member States, United Nations bodies and agencies, and the intergovernmental and non-governmental organizations concerned, including the Committee on the Rights of the Child, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the World Health Organization and the International Committee of the Red Cross to contribute to the study;

5. Expresses its particular gratitude to the International Committee of the Red Cross and the United Nations Children's Fund for their efforts to foster awareness of the issue of anti-personnel mines;

6. Encourages efforts to promote international cooperation to assist in the detection and clearance of unremoved mines;

7. Requests all States to render full support for prevention of the indiscriminate use of anti-personnel mines and for protection and assistance for the victims;

8. Invites the relevant organizations of the United Nations system and other intergovernmental organizations to intensify their efforts to ensure that all possible assistance is given to child victims of anti-personnel mines, who are often disabled for life, with a view to their physical and psychological rehabilitation and social reintegration, and also to support to this end the activities of non-governmental organizations in the field;

9. Decides to examine this question, and especially the study referred to in paragraph 3 above, at its fifty-first session under the agenda item entitled "Rights of the child".

66th meeting
9 March 1994
[Adopted without a vote. See chap. XXII.]

1994/95. World Conference on Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 48/121 of 20 December 1993 entitled "World Conference on Human Rights", in which the Assembly endorsed the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted on 25 June 1993 by the World Conference on Human Rights,

Recalling also the view of the World Conference that the promotion and protection of human rights is a matter of priority for the international community, Convinced that the World Conference, by the adoption of the Vienna Declaration and Programme of Action, made an important contribution to the promotion and protection of human rights,

Convinced also that all results of the World Conference have to be translated into effective action by States, the competent organs of the United Nations and its family of organizations, and other organizations concerned,

Recognizing the contribution of non-governmental organizations in this respect,

Bearing in mind the recommendation of the World Conference that the Commission on Human Rights, the General Assembly and other organs and agencies of the United Nations system related to human rights consider ways and means for the full implementation, without delay, of all recommendations contained in the Vienna Declaration and Programme of Action,

Bearing in mind also the recommendation of the World Conference that the Commission should review annually progress towards this end,

1. Appreciates the important contribution of the World Conference on Human Rights, convened at Vienna from 14 to 25 June 1993, to the universal promotion and protection of human rights;

2. Welcomes the reaffirmation by the World Conference of the importance of the promotion of universal respect for, and observance and protection of, all human rights and fundamental freedoms in accordance with the Charter of the United Nations;

3. Reaffirms the views of the World Conference on the urgency of eliminating denials and violations of human rights;

4. Recognizes the importance of continued dialogue and cooperation between Governments and non-governmental organizations and the role the Commission has to play in continuing to provide a forum for such dialogue;

5. Calls upon all special representatives, special rapporteurs, independent experts and thematic working groups of the Commission on Human Rights to take fully into account the recommendations contained in the Vienna Declaration and Programme of Action (A/CONF.157/23) within their respective mandates;

6. Requests all special representatives, special rapporteurs, independent experts and thematic working groups of the Commission to include in their reports, where appropriate, a section on the implementation of the recommendations contained in the Vienna Declaration and Programme of Action;

7. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to take fully into account the recommendations contained in the Vienna Declaration and Programme of Action within its mandate and to include in its report the measures undertaken within its mandate to implement these recommendations;

8. Decides to review annually the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action, taking into account, *inter alia*, work undertaken in this respect by the General Assembly and its subsidiary bodies;

9. Requests the High Commissioner for Human Rights to include in his annual report to the Commission a section on the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action;

10. Decides to consider this question at its fifty-first session under the appropriate agenda item.

66th meeting
9 March 1994
[Adopted without a vote. See chap. XXIII.]

1994/96. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Commission on Human Rights,

Recalling its decision 1984/116 of 16 March 1984, by which it established an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Recalling also its subsequent resolutions, in particular resolution 1993/92 of 10 March 1993, in which it authorized further meetings of the working group and noted the progress it had achieved,

Recalling further that the World Conference on Human Rights recommended speedy completion and adoption of the draft declaration,

Conscious of the importance of taking into account the opinions of all States and of interested intergovernmental and non-governmental organizations before finalizing the draft declaration,

Noting with satisfaction the progress made by the open-ended working group during its meetings prior to and during the fiftieth session of the Commission,

1. Takes note of the report of the working group (E/CN.4/1994/81);

2. Urges the working group to make every effort to complete its task and submit the draft declaration to the Commission at its fifty-first session;

3. Decides to continue at its fifty-first session its work on the elaboration of the draft declaration;

4. Also decides to make available appropriate meeting time for the working group prior to and during the fifty-first session of the Commission;

5. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution IV.]

67th meeting
10 March 1994
[Adopted without a vote. See chap. XXI.]

1994/97. Effective functioning of the various mechanisms established for supervising, investigating and monitoring the implementation of the treaty obligations entered into by States in regard to human rights and the implementation of the existing international standards in this regard

The Commission on Human Rights,

Recalling its resolution 1993/58 of 9 March 1993,

Taking note of the report submitted by the Secretary-General (E/CN.4/1994/42) on the various aspects listed in resolution 1993/58, paragraph 2,

Taking into account the necessity, as expressed in the Vienna Declaration and Programme of Action (A/CONF.157/23), for a continuing adaptation of the United Nations human rights machinery to current and future needs in the promotion and protection of human rights, in particular, through improved coordination, efficiency and effectiveness of the United Nations human rights organs,

Taking into account the need for the appropriate bodies to continue examining and improving the functioning of the various mechanisms established for supervising, investigating and monitoring the implementation of the treaty obligations entered into by States in regard to human rights and the implementation of the existing international standards in this regard,

1. Decides that, in the course of the forthcoming rationalization of the Commission's work, the report of the Secretary-General on this question (E/CN.4/1994/42), prepared in accordance with Commission resolution 1993/58, should be considered;

2. Requests that, when the rationalization of the Commission's work is considered, recommendations should be submitted with a view to improving the functioning, effectiveness, efficiency and coordination of the mechanisms referred to in the present resolution;

3. Also requests that, when the rationalization of the Commission's work is considered, specific recommendations be submitted so that the mechanisms in question can better carry out their work on the basis of the

mandates established by the Commission and take due account of the principles of objectivity, impartiality and non-selectivity in discharging those mandates, while at the same time achieving a better rationalization of the work of the United Nations in this sphere and avoiding unnecessary duplication and waste of resources;

4. Decides to consider this question at its fifty-first session under the same agenda item.

68th meeting
10 March 1994
[Adopted without a vote. See chap. XI.]

B. Decisions

1994/101. Organization of work

At its 2nd meeting, on 1 February 1994, the Commission decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 3: Ms. M. Pinto, independent expert on the situation of human rights in Guatemala; Mr. P. Nikken, independent expert on the situation of human rights in El Salvador;

(b) In connection with item 4: Mr. R. Felber, Special Rapporteur on the Palestinian territories occupied by Israel;

(c) In connection with item 5: Mr. M.L. Balanda, Chairman-Rapporteur of the Ad Hoc Working Group of Experts on southern Africa;

(d) In connection with item 6: Mrs. J.S. Attah, Special Rapporteur of the Sub-Commission on monitoring the transition to democracy in South Africa;

(e) In connection with item 7: Mr. L. Valencia Rodríguez, independent expert on the right to own property;

(f) In connection with item 8: Mr. M. Ennaceur, Chairman-Rapporteur of the Working Group on the Right to Development;

(g) In connection with item 9: Mr. E. Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries;

(h) In connection with item 10: Mr. L. Joinet, Chairman-Rapporteur of the Working Group on Arbitrary Detention; Mr. A. Hussain, Special Rapporteur on the right to freedom of opinion and expression;

(i) In connection with item 10 (a): Mr. N. Rodley, Special Rapporteur on the question of torture;

(j) In connection with item 10 (c): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(k) In connection with item 10 (d): Mr. J. Rhenán Segura, Chairman-Rapporteur of the Working Group on a draft optional protocol to the Convention against Torture;

(l) In connection with item 11 (d): Mr. F.M. Deng, representative of the Secretary-General on the question of internally displaced persons;

(m) In connection with item 12: Mr. R. Galindo Pohl, Special Representative on the situation of human rights in the Islamic Republic of Iran; Mr. A. Artucio Rodríguez, Special Rapporteur on the situation of human rights in Equatorial Guinea; Mr. F. Ermacora, Special Rapporteur on the situation of human rights in Afghanistan; Mr. Y. Yokota, Special Rapporteur on the situation of human rights in Myanmar; Mr. C.J. Groth, Special Rapporteur on the situation of human rights in Cuba; Mr. T. Mazowiecki, Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia; Mr. M. van der Stoel, Special Rapporteur on the situation of human rights in Iraq; Mr. T. Bruni Celli, Special Rapporteur on the situation of human rights in Haiti; Mr. G. Biro, Special Rapporteur on the situation of human rights in the Sudan; Mr. B.W. N'diaye, Special Rapporteur on extrajudicial, summary or arbitrary executions;

(n) In connection with item 12 (b): Mr. E.H. Guissé. Chairman of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; representatives of States in respect of which situations are being considered under item 12 (b);

(o) In connection with item 14: Mr. M. Glèlè-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance;

(p) In connection with item 17: Mr. A.S. Al-Khasawneh, Chairman of the forty-fifth session of the Sub-Commission;

(q) In connection with item 20: Mr. A. Amor, Special Rapporteur on the question of religious intolerance;

(r) In connection with item 22 (b): Mr. V. Muntarbhorn, Special Rapporteur on the sale of children.

[See chap. III.]

1994/102. Human rights dimensions of population transfer, including the implantation of settlers and settlements

At its 41st meeting, on 25 February 1994, the Commission, noting resolution 1993/34 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse:

(a) The request to Mr. Awn Shawkat Al-Khasawneh, as Special Rapporteur, to continue the study on the human rights dimensions of population transfer, including the implantation of settlers and settlements;

(b) The invitation to request the Secretary-General to organize a multidisciplinary expert seminar on the human rights dimensions of population transfer, including the implantation of settlers and settlements, prior to the preparation of the final report, in order to formulate appropriate final conclusions and recommendations;

(c) The request to the Secretary-General to invite Governments, United Nations bodies and intergovernmental and non-governmental organizations concerned to provide the Special Rapporteur with information relevant to the preparation of his reports;

(d) The invitation to request the Special Rapporteur to undertake on-site visits with the consent of the States concerned to diverse, ongoing cases of population transfer selected on the basis of information received for the next report.

[See chap. VII.]

1994/103. Enhancing the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

At its 55th meeting, on 4 March 1994, the Commission decided, without a vote, to request the Sub-Commission on Prevention of Discrimination and Protection of Minorities to reconsider, without prejudice to the independence of the Sub-Commission and its members, its decisions to recommend the new studies and related efforts identified in draft decisions 1, 2, 4, 8 and 13 contained in the report of the Sub-Commission (E/CN.4/1994/2). The Commission also decided that it was unnecessary or premature to make any determination on these studies and related efforts and requested the Sub-Commission to present its recommendations, having due regard for any working papers the experts may wish to prepare without financial implications, to the Commission at its fifty-first session, in so far as appropriate, in the light of the guidelines adopted by the Sub-Commission at its forty-fourth session concerning its methods of work (resolution 1992/8 of 26 August 1992), as well as the need for the Sub-Commission to improve its deliberative processes, to avoid overloading its agenda with materials that are not adequately discussed and to establish priorities in its work, in particular to leave adequate time and resources for the consideration of new developments in the field of human rights.

[See chap. XVII.]

1994/104. Traditional practices affecting the health of women and children

At its 55th meeting, on 4 March 1994, the Commission, noting resolution 1993/33 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the recommendation of the Sub-Commission that:

(a) The subject of harmful traditional practices affecting the health of women and children be maintained on the agenda of the Sub-Commission in so far as they constitute violations of human rights within the meaning of the relevant provisions of the International Bill of Human Rights and many other international instruments, in particular the Convention on the Rights of the Child;

(b) The mandate of the Special Rapporteur, Ms. Halima Embarek Warzazi, be extended for one year so as to enable her to submit to the Sub-Commission at its forty-sixth session a plan of action for the elimination of harmful traditional practices affecting the health of women and children, and a report on the regional seminar to take place in Asia;

(c) The Centre for Human Rights provide all the assistance that the Special Rapporteur may require in the exercise of her mandate.

[See chap. XVII.]

1994/105. Cultural and intellectual property of indigenous people

At its 55th meeting, on 4 March 1994, the Commission, noting resolution 1993/44 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the request to the Special Rapporteur, Mrs. Erica-Irene A. Daes, to expand her study on the protection of the cultural and intellectual property of indigenous people with a view to elaborating draft principles and guidelines for the protection of the heritage of the indigenous people and to submit a preliminary report to the Sub-Commission at its forty-sixth session; requested the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the accomplishment of her task; decided that the title of the study should be "Protection of the heritage of the indigenous people"; and recommended the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 33]

[See chap. XVII.]

1994/106. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 55th meeting, on 4 March 1994, the Commission, noting decision 1993/110 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to authorize the Sub-Commission to reiterate its request to the Special Rapporteur to submit a second progress report on the study to the Working Group at its twelfth session and to the Sub-Commission at its forty-sixth session, and also to request the Secretary-General to give the Special Rapporteur all the assistance necessary to allow him to continue his work, in particular by providing for the specialized research assistance required and for the necessary trips to Geneva for consultation with the Centre for Human Rights; and requested the Economic and Social Council to endorse the above-mentioned decision of the Sub-Commission.

[See chap. XVII.]

1994/107. The right to a fair trial

At its 55th meeting, on 4 March 1994, the Commission, noting resolution 1993/26 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to express its appreciation to the Special Rapporteurs, Mr. Stanislav Chernichenko and Mr. William Treat, for their work on the study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening"; endorsed the request of the Sub-Commission to the Special Rapporteurs to continue their study, taking into account, inter alia, the comments made in the discussion of their preparatory, preliminary and progress reports and to submit to the Sub-Commission, at its forty-sixth session, a final report which should include a set of conclusions and recommendations; decided to consider at its fifty-first session the final report of the Special Rapporteurs including, if appropriate, the desirability of a third optional protocol to the International Covenant on Civil and Political Rights, aimed at guaranteeing under all circumstances the right to a fair trial and a remedy, taking into account the consideration of the Sub-Commission thereon at its forty-sixth session; and recommended the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 34]

[See chap. X.]

1994/108. Situation of human rights in China

At its 65th meeting, on 9 March 1994, the Commission decided, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, by a roll-call vote of 20 to 16, with 17 abstentions, to take no action on draft resolution E/CN.4/1994/L.83.

[See chap. XII.]

1994/109. Situation of human rights in Jammu and Kashmir

At its 65th meeting, on 9 March 1994, the Commission decided, without a vote, not to take action on draft resolution E/CN.4/1994/L.40.

[See chap. XII.]

1994/110. Question of human rights in Cyprus

At its 66th meeting, on 9 March 1994, the Commission decided, without a vote, to postpone the debate under agenda item 12 (a), entitled "Question of human rights in Cyprus", to its fifty-first session and to give it due priority at that session, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

[See chap. XII.]

1994/111. Organization of the work of the session

At its 69th meeting, on 11 March 1994, the Commission, reaffirming its resolution 1993/98 of 12 March entitled "Rationalization of the work of the Commission", decided to convene an informal, open-ended working group, open to all participants, under the chairmanship of the Chairman of its fiftieth session for a maximum period of 10 working days to discuss:

(a) The reclustering of the Commission's agenda, with a view to proposing a provisional agenda for the fifty-first session;

(b) Organizational matters related to the above, including the organization of work and documentation;

(c) A preliminary inventory of other reforms.

The Commission decided that the work of the working group would be conducted on the basis of consensus, and also decided to request the secretariat to prepare an analysis of the organization of the past three sessions of the Commission, including its fiftieth session, to be used for reference purposes at the meeting of the open-ended working group and to request the Chairman of the working group to report to the Commission at its fifty-first session.

[See chap. III.]

1994/112. Organization of the work of the fifty-first session

At its 69th meeting, on 11 March 1994, the Commission, taking into account its heavy schedule of work and that of its sessional working groups, as well as the need to give adequate consideration to all the items on the agenda, and recalling that in previous years the Economic and Social Council had approved the Commission's request for additional meetings for its thirty-seventh to fiftieth sessions, decided, without a vote: (a) to recommend to the Economic and Social Council that it authorize, if possible within existing financial resources, 40 fully-serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-first session, and (b) to request the Chairman of the Commission at its fifty-first session to make every effort to organize the work of the session within the time normally allotted, the additional meetings that the Economic and Social Council might authorize to be utilized only if such meetings proved to be absolutely necessary.

[See chap. III.]

III. ORGANIZATION OF THE SESSION

A. Opening and duration of the session

1. The Commission on Human Rights held its fiftieth session at the United Nations Office at Geneva from 31 January to 11 March 1994. It held 69 meetings (E/CN.4/1994/SR.1-69) 1/ during the session.

2. The session was opened by Mr. Mohamed Ennaceur, Chairman of the Commission at its forty-ninth session, who made a statement. The Assistant Secretary-General for Human Rights also addressed the Commission at its 1st meeting.

3. In connection with the fiftieth anniversary of the Commission on Human Rights, the Commission heard a recording of the first session of the Commission on Human Rights, in 1946.

4. The Commission was given a demonstration of the CD-ROM system.

B. Attendance

5. The session was attended by representatives of States members of the Commission, by observers from other States Members of the United Nations, by observers from non-member States and by representatives of the specialized agencies, regional intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex I to the present report.

C. Election of officers

6. At its 1st meeting, on 31 January 1994, the Commission elected the following officers by acclamation:

Chairman: Mr. Peter Paul van Wulfften Palthe (Netherlands)

Vice-Chairmen: Mr. Romulus Neagu (Romania)
Mr. José Urrutia (Peru)
Mr. Minoru Endo (Japan)

Rapporteur: Mr. François-Xavier Ngoubeyou (Cameroon)

D. Agenda

7. Also at its 1st meeting, the Commission had before it the provisional agenda of the fiftieth session (E/CN.4/1994/1/Rev.1 and E/CN.4/1994/1/Add.1 and Add.1/Corr.1 and Add.2-3), drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the provisional agenda considered by the Commission at its forty-ninth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

8. In connection with the adoption of the agenda, the Commission had before it the following documents:

Letter dated 25 November 1993 from the Coordinator for the International Year of the Family addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1994/89);

Letter dated 8 December 1993 from the Deputy Chairman of the Committee for Human Rights and Ethnic Relations of the Republic of Georgia, addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1994/90).

9. At its 16th meeting, on 10 February 1994, the Commission accepted the recommendation of its officers to amend the provisional agenda as set out in document E/CN.4/1994/1/Rev.1, as follows:

(a) The subject of the "International Year of the Family" was incorporated in agenda item 11(e);

(b) The "Follow-up to the World Conference on Human Rights" was incorporated in agenda item 23;

(c) The following agenda items were renumbered accordingly.

10. The agenda, as amended (E/CN.4/1994/1/Rev.2), was adopted without a vote. For the text as adopted, see annex II to the present report.

E. Organization of work

11. At its 2nd meeting, on 1 February 1994, the Commission considered the organization of its work.

12. The Commission had before it the following documents:

Report on the situation of human rights in Guatemala, prepared by Ms. Mónica Pinto, Independent Expert, pursuant to Commission on Human Rights resolution 1993/88 (E/CN.4/1994/10);

Report of the Independent Expert, Mr. Pedro Nikken, on developments in the human rights situation in El Salvador, prepared pursuant to Commission on Human Rights resolution 1993/93 and Economic and Social Council decision 1993/284 (E/CN.4/1994/11).

13. Bearing in mind the respective priority of the items and the availability of the relevant documentation, the Commission accepted the recommendation of its officers that the following agenda items should be considered concurrently: items 4 and 9; items 5, 6 and 14; items 7, 8, 15 and 16; items 11 and 19; and items 13, 18 and 20. The Commission further agreed to consider the agenda items in the following order: 4, 9; 5, 6, 14; 7, 8, 15, 16; 13, 18, 20; 17; 10; 11, 19; 12 (b); 12; 22, 23; 24; 25; 26.

14. The Commission approved an additional meeting for the open-ended working group on the drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally

recognized human rights and fundamental freedoms and for the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

15. At its 2nd meeting, on 1 February 1994, the Commission accepted the recommendation of its officers regarding limitation of the frequency and duration of statements. Members of the Commission were limited to one statement of 15 minutes or two statements of 10 minutes per item. Observers and non-governmental organizations were limited to one statement of 10 minutes per item. Observer States and liberation movements mentioned in reports submitted to the Commission were limited to one statement of 15 minutes or two statements of 10 minutes under the item concerned. It was also agreed that, with regard to rights of reply, the practice followed by the Third Committee of the General Assembly, namely a limitation to two replies, 5 minutes for the first and 3 minutes for the second, at the end of the day, would be observed.

16. At the same meeting, upon the recommendation of its officers, the Commission decided to invite a number of experts, special rapporteurs, special representatives and chairmen-rapporteurs of working groups to participate in the meetings at which their reports were to be considered.

17. For the text of the decision as adopted, see chapter II, section B, decision 1994/101.

18. With respect to its resolutions 1993/93, entitled "Human rights in El Salvador" and 1993/88, entitled "Assistance to Guatemala in the field of human rights", the Commission accepted the recommendation of its officers to postpone the decision as to the agenda item under which the questions would be considered.

19. At the 47th meeting, on 1 March 1994, the independent expert on the situation of human rights in Guatemala, Ms. Mónica Pinto, introduced her report (E/CN.4/1994/10).

20. At the same meeting, the independent expert on human rights in El Salvador, Mr. Pedro Nikken, introduced his report (E/CN.4/1994/11).

21. On 8 March 1994, a draft resolution (E/CN.4/1994/L.103) was submitted by the Chairman, which read as follows:

"Documentation, appointments and related matters

"The Commission on Human Rights,

"Recalling General Assembly resolutions 37/14 C of 16 November 1982, 47/202 B of 22 December 1992 and 48/222 B of 23 December 1993,

"Noting that excessive length of reports is a significant problem in the timely distribution of documents as they generally exceed the desirable 32-page limit established in the relevant United Nations resolutions, "*Noting also* that pre-session distribution of reports, including those of the special representatives, special rapporteurs, independent experts and thematic working groups, is necessary to allow thorough, meaningful and reliable consideration by members of the Commission,

"*Noting* that the period between the sessions of the General Assembly and the Commission on Human Rights is too short to allow for proper processing of documentation,

"*Recalling* its resolution 1993/94 of 11 March 1994, in which it:

(a) Decided that all reports submitted to the Commission on Human Rights should follow the standards and guidelines established by the General Assembly and that they should not exceed the desirable 32-page limit;

(b) Requested the secretariat to do its utmost to ensure that substantive documents, in particular the reports of the special representatives, special rapporteurs, independent experts and thematic working groups, are distributed in all official languages no less than six weeks before the consideration of all the respective agenda items by the Commission;

(c) Requested the special representatives, special rapporteurs and independent experts of the Commission to do their utmost to submit their reports in time to enable the secretariat to meet the objectives set out in that resolution;

(d) Encouraged countries which extended invitations to special representatives, special rapporteurs, independent experts and thematic working groups to take into account the contents of that resolution;

(e) Requested the Chairman of the Commission, in consultation with the Bureau, to do the utmost to ensure that while considering appointments of special representatives, special rapporteurs and independent experts on the basis of the highest standards of efficiency, competence and integrity, due regard was paid to the appointments being made on as wide a geographical base as possible so that the imbalance in this field was redressed,

"1. *Requests* the Secretary-General to implement rigorously the provisions of its resolution 1993/94 so as to ensure that no reports exceed the limits established by the General Assembly and that all reports are distributed not later than three weeks prior to the opening of the session;

"2. *Requests* all special representatives, special rapporteurs, independent experts and thematic working groups, in consultation with the Centre for Human Rights, to submit their reports in time, so as to allow for distribution at least three weeks before the opening of the session of the Commission;

"3. Invites those representatives and rapporteurs who may, by virtue of their mandate, require to make available to the Commission additional information that it was not possible to include in their reports to consult with the Centre for Human Rights;

"4. Requests the Chairman to continue to do the utmost to ensure that while considering appointments of special representatives, special rapporteurs and independent experts on the basis of the highest standards of efficiency, competence and integrity, due regard is paid to the appointments being made on as wide a geographical base as possible so that the imbalance in this field is redressed.

"5. Recommends to the Economic and Social Council that it authorize the Commission on Human Rights to hold its annual sessions later in the year, and its fifty-first session from 13 March 1995 to 21 April 1995, in order to allow for the proper preparation of documentation for the Commission;

"6. Decides to keep the matter under review at its fifty-first session."

22. At the 69th meeting, on 11 March 1994, the Chairman withdrew the draft resolution.

23. At the same meeting, the Chairman introduced draft decision E/CN.4/1994/L.104 submitted by himself.

24. The Chairman orally revised the draft decision as follows:

(a) At the beginning of the draft decision, after the words "Commission on Human Rights", the words ",recalling its resolution 1993/98 of 12 March 1993, entitled 'Rationalization of the work of the Commission'" were inserted;

(b) After the words "10 working days to discuss", the words "in the following order" were deleted;

(c) In subparagraph (a), the words "deciding upon" were replaced by the word "proposing";

(d) In the second paragraph, before the words "also decides to request", the words "decides that the work of the working group will be conducted on the basis of consensus, and" were inserted;

(e) At the end of the second paragraph, the words ", and to request the chairman of the working group to report to the Commission at its fifty-first session" were added.

25. The representative of the Islamic Republic of Iran proposed that the draft decision be amended by replacing the word "recalling" in the text as orally revised by the Chairman with the word "reaffirming", and by deleting the word "possible" in subparagraph (c).

26. Statements in connection with the draft decision, as orally revised, and the amendments proposed by the representative of the Islamic Republic of Iran were made by the representatives of Bangladesh, Brazil, Cameroon, Canada, Chile, China, Finland, Indonesia, Kenya, Malaysia, Nigeria, Pakistan, Peru, the Syrian Arab Republic, the United States of America and Uruguay.

27. The draft decision, as orally revised and amended, was adopted without a vote.

28. For the text as adopted, see chapter II, section B, decision 1994/111.

29. At the same meeting, the Chairman orally proposed a draft decision concerning the organization of work for the fifty-first session of the Commission.

30. The draft decision was adopted without a vote.

31. For the text as adopted, see chapter II, section B, decision 1994/112.

F. Meetings, resolutions and documentation

32. Of the 69 meetings held by the Commission, five were extended to the equivalent of 10 additional meetings.

33. The resolutions and decisions adopted by the Commission at the session are contained in chapter II of the present report. Draft resolutions and decisions for action by the Economic and Social Council are set out in chapter I.

34. Annex III contains estimates of the administrative and programme budget implications of resolutions and decisions of the Commission, prepared in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

35. Annex IV contains a list of documents issued for the fiftieth session of the Commission.

G. Visits

36. At the 2nd meeting, on 1 February 1994, Mr. Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization, addressed the Commission.

37. At the same meeting, Ms. Benazir Bhutto, Prime Minister of Pakistan, addressed the Commission. At the 3rd meeting, on 1 February 1994, statements in exercise of the right of reply were made by the representatives of India and Pakistan.

38. At the 3rd meeting, on 1 February 1994, Mr. Georges Papandreou, Deputy Minister for Foreign Affairs of Greece, addressed the Commission on behalf of the European Union.

39. At the 4th meeting, on 2 February 1994, Mr. Heikki Haavisto, Minister for Foreign Affairs of Finland, addressed the Commission.

40. At the 6th meeting, on 3 February 1994, Mr. Manmohan Singh, Minister of Finance of India, addressed the Commission.

41. At the 7th meeting, on 3 February 1994, Mrs. Lucette Michaux-Chevry, Minister-Delegate for Humanitarian Activities and Human Rights of France, addressed the Commission.

42. At the 12th meeting, on 8 February 1994, Mr. D. Hogg, Minister of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, addressed the Commission.

43. At the 13th meeting, on 8 February 1994, Mr. M. Salaverría, Minister for Foreign Affairs of El Salvador, addressed the Commission.

44. At the 14th meeting, on 9 February 1994, Mr. A. Mock, Federal Minister for Foreign Affairs of Austria, addressed the Commission.

45. At the same meeting, Mrs. S. Ogata, United Nations High Commissioner for Refugees, addressed the Commission.

46. At the 16th meeting, on 10 February 1994, Mr. P.H. Kooijmans, Minister for Foreign Affairs of the Netherlands, addressed the Commission.

47. At the 17th meeting, on 10 February 1994, Mr. S. Daskalov, Minister for Foreign Affairs of Bulgaria, addressed the Commission.

48. At the same meeting, Mr. Shimon Peres, Minister for Foreign Affairs of Israel, addressed the Commission.

49. At the 18th meeting, on 11 February 1994, Mr. G. Chicoti, Deputy Minister for Foreign Affairs of Angola, addressed the Commission.

50. At the 20th meeting, on 14 February 1994, Mr. F. Vega Santa-Gadea, Minister for Justice of Peru, addressed the Commission.

51. At the 27th meeting, on 17 February 1994, Mr. M.S. Alsahaf, Minister for Foreign Affairs of Iraq, addressed the Commission.

52. At the same meeting, Mr. H. Algabid, Secretary-General of the Organization of the Islamic Conference, addressed the Commission. At the 29th meeting, on 17 February 1994, the representative of India made a statement in exercise of the right of reply.

53. At the 28th meeting, on 17 February 1994, Mr. Girma Wakjira, Chief Special Prosecutor of Ethiopia, addressed the Commission.

54. At the 30th meeting, on 18 February 1994, Mr. Nguyen Ngoc Hien, Deputy Minister for Justice of Viet Nam, addressed the Commission.

55. At the 34th meeting, on 22 February 1994, Mrs. G. Mongella, Secretary-General of the Fourth World Conference on Women, addressed the Commission.

56. At the 38th meeting, on 24 February 1994, Mr. Mate Granic, Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Croatia, addressed the Commission.

57. At the same meeting, Mr. Stojan Andov, President of the Assembly of the former Yugoslav Republic of Macedonia, addressed the Commission.

58. At the 43rd meeting, on 28 February 1994, Mr. Habib Ben Yahia, Minister for Foreign Affairs of Tunisia, addressed the Commission.

59. At the 46th meeting, on 1 March 1994, Mr. Gabriel Roreg, Minister of State for Foreign Affairs of Sudan, addressed the Commission.

60. At the same meeting, Mr. Jean-Marie Ngendahayo, Minister of State of Burundi, addressed the Commission.

61. At the 49th meeting, on 2 March 1994, Mr. J.-B. Aristide, President of the Republic of Haiti, addressed the Commission.

62. At the 50th meeting, on 2 March 1994, Mr. Ieng Mouly, Minister for Information of Cambodia, addressed the Commission.

63. At the 52nd meeting, on 3 March 1994, Mr. José Ayala Lasso, United Nations High Commissioner for Human Rights, addressed the Commission.

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

64. The Commission considered agenda item 4 at its 3rd to 8th meetings, on 1 to 4 February, concurrently with item 9 (see chap. IX), and at its 30th meeting, on 18 February 1994. 1/

65. The Commission had before it the following documents:

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/48/96);

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/48/278);

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/48/557);

Note verbale dated 14 May 1993 from the Permanent Mission of the League of Arab States to the United Nations Office at Geneva, addressed to the Centre for Human Rights (E/CN.4/1994/9);

Report of the Secretary-General (E/CN.4/1994/12);

Note by the Secretary-General (E/CN.4/1994/13);

Report on the human rights situation in the Palestinian territories occupied since 1967, submitted by Mr. René Felber, Special Rapporteur, pursuant to Commission on Human Rights resolution 1993/2 A (E/CN.4/1994/14);

Note verbale dated 8 December 1993 from the Permanent Mission of the League of Arab States to the United Nations Office at Geneva, addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1994/96);

Letter dated 14 January 1994 from the Permanent Mission of the League of Arab States to the United Nations Office at Geneva, addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1994/98);

Note verbale dated 1 March 1994 from the Permanent Mission of the League of Arab States to the United Nations Office at Geneva, addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1994/106);

Note verbale dated 15 February 1994 from the Permanent Mission of the League of Arab States to the United Nations Office at Geneva, addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1994/121);

Written statement submitted by the Lawyers Committee for Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/33).

66. At the 4th meeting, on 2 February 1994, Mr. René Felber, Special Rapporteur on the human rights situation in the Palestinian territories occupied since 1967, introduced his report (E/CN.4/1994/14) to the Commission.

67. In the general debate on agenda item 4, statements 3/ were made by the following members of the Commission: Australia (6th), Austria (3rd), Bangladesh (7th), Brazil (4th), Bulgaria (7th), Canada (4th), China (4th), Cuba (6th), Cyprus (6th), India (5th), Indonesia (5th), Japan (6th), Libyan Arab Jamahiriya (7th), Malaysia (6th), Mauritania (7th), Nigeria (7th), Pakistan (8th), Poland (6th), Republic of Korea (7th), Russian Federation (7th), Sudan (4th), Syrian Arab Republic (4th), United States of America (7th).

68. The Commission also heard statements by the observers for: Algeria (5th), Greece (on behalf of the European Union) (4th), Israel (7th), Morocco (4th), Norway (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (6th), Oman (7th), Senegal (7th), Turkey (6th).

69. The Commission also heard statements by the following non-governmental organizations: Amnesty International (3rd), Centre Europe-Tiers Monde (5th), International Commission of Jurists (4th), International Confederation of Free Trade Unions (3rd), International Fellowship of Reconciliation (3rd), International League for the Rights and Liberation of Peoples (5th), Pax Christi International (6th), World Islamic Call Society (7th), World Organization against Torture (3rd).

70. At its 30th meeting, on 18 February 1994, the Commission took up consideration of the draft resolutions submitted under agenda item 4.

71. The observer for Greece introduced draft resolution E/CN.4/1994/L.3, sponsored by Belgium*, Denmark*, France, Germany, Greece*, Ireland*, Italy, Luxembourg*, the Netherlands, Portugal*, Spain*, and the United Kingdom of Great Britain and Northern Ireland. Australia, Finland, Iceland*, Japan, Liechtenstein*, Malta*, New Zealand*, Norway*, Sweden* and Switzerland* subsequently joined the sponsors.

72. The representative of the United States of America made a statement on the draft resolution.

73. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution.

74. The draft resolution was adopted by 49 votes to 1, with 1 abstention. The voting was as follows:

In favour: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Germany, Hungary, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Kenya, Lesotho, Malawi, Malaysia, Mauritania, Mexico, Netherlands, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against: United States of America.

Abstaining: Libyan Arab Jamahiriya.

75. Statements in explanation of vote after the vote were made by the representatives of the Libyan Arab Jamahiriya and the Syrian Arab Republic.

76. For the text as adopted, see chapter II, section A, resolution 1994/1.

77. At the same meeting, the representative of the Syrian Arab Republic introduced draft resolution E/CN.4/1994/L.4, sponsored by Afghanistan*, Algeria*, Bahrain*, Cuba, India, Indonesia, Iran (Islamic Republic of), Iraq*, Kuwait*, Lebanon*, the Libyan Arab Jamahiriya, Madagascar*, Malaysia, Mauritania, Morocco*, Oman*, Pakistan, Qatar*, Saudi Arabia*, Senegal*, Sri Lanka, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates*, Viet Nam* and Yemen*.

78. Statements in explanation of vote before the vote were made by the representatives of Cyprus and the United States of America.

79. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution.

80. The draft resolution was adopted by 25 votes to 1, with 25 abstentions.

In favour: Angola, Bangladesh, Brazil, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, India, Indonesia, Iran (Islamic Republic of), Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Republic of Korea, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela.

Against: United States of America.

Abstaining: Australia, Austria, Barbados, Bulgaria, Cameroon, Canada, Côte d'Ivoire, Ecuador, Finland, France, Gabon, Germany, Hungary, Italy, Japan, Kenya, Malawi, Netherlands, Peru, Poland, Romania, Russian Federation, Togo, United Kingdom of Great Britain and Northern Ireland, Uruguay.

81. Statements in explanation of vote after the vote were made by the representatives of Colombia, Japan, Mexico, Nigeria, the Republic of Korea and the Russian Federation.

82. For the text as adopted, see chapter II, section A, resolution 1994/2.

83. At the same meeting, the representative of the Sudan introduced two draft resolutions, A and B (E/CN.4/1994/L.5), sponsored by Algeria*, Bahrain*, China, Cuba, Indonesia, Jordan*, Malaysia, Mauritania, Morocco*, Oman*,

Pakistan, Qatar*, Saudi Arabia*, Senegal*, Sri Lanka, the Sudan, Tunisia, the United Arab Emirates* and Yemen*. India subsequently joined the sponsors.

84. A statement in explanation of vote before the vote was made by the representative of the United States of America.

85. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution A.

86. Draft resolution A was adopted by 26 votes to 3, with 23 abstentions. The voting was as follows:

In favour:	Angola, Bangladesh, Brazil, Cameroon, Chile, China, Colombia, Cuba, Cyprus, Gabon, India, Indonesia, Iran (Islamic Republic of), Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Republic of Korea, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela.
Against:	Bulgaria, Russian Federation, United States of America.
Abstaining:	Australia, Austria, Barbados, Canada, Costa Rica, Côte d'Ivoire, Ecuador, Finland, France, Germany, Hungary, Italy, Japan, Kenya, Malawi, Mauritius, Netherlands, Peru, Poland, Romania, Togo, United Kingdom of Great Britain and Northern Ireland, Uruguay.

87. Statements in explanation of vote after the vote were made by the representatives of Bulgaria, Colombia, the Islamic Republic of Iran, Japan, the Libyan Arab Jamahiriya, the Netherlands, the Republic of Korea, the Russian Federation and the Syrian Arab Republic.

88. For the text as adopted, see chapter II, section A, resolution 1994/3 A.

89. At the request of the representative of the United States of America, a roll-call vote was taken on draft resolution B.

90. Draft resolution B was adopted by 26 votes to 1, with 25 abstentions. The voting was as follows:

In favour:	Angola, Bangladesh, Brazil, Cameroon, Chile, China, Colombia, Cuba, Cyprus, Gabon, India, Indonesia, Lesotho, Libyan Arab Jamahiriya, Iran (Islamic Republic of), Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Republic of Korea, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela.
Against:	United States of America.

Abstaining: Australia, Austria, Barbados, Bulgaria, Canada, Costa Rica, Côte d'Ivoire, Ecuador, Finland, France, Germany, Hungary, Italy, Japan, Kenya, Malawi, Mauritius, Netherlands, Peru, Poland, Romania, Russian Federation, Togo, United Kingdom of Great Britain and Northern Ireland, Uruguay.

91. Statements in explanation of vote after the vote were made by the representatives of Colombia, Japan, the Libyan Arab Jamahiriya, the Netherlands, the Republic of Korea and the Syrian Arab Republic.

92. For the text as adopted, see chapter II, section A, resolution 1994/3 B.

V. VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

93. The Commission considered agenda item 5 concurrently with items 6 and 14 (see chaps. VI and XIV) at its 8th to 12th meetings, on 4 to 8 February, and at its 31st meeting, on 18 February 1994. 1/

94. The Commission had before it the following documents:

Situation of human rights in South Africa: Note by the Secretary-General (A/48/525);

Interim report of the Ad Hoc Working Group of Experts on southern Africa, prepared in accordance with Commission on Human Rights resolution 1993/9 (E/CN.4/1994/15);

Note verbale dated 11 February 1994 from the Permanent Mission of South Africa to the United Nation Office at Geneva, addressed to the secretariat of the Commission on Human Rights (E/CN.4/1994/118).

95. At its 8th meeting, on 4 February 1994, the Chairman-Rapporteur of the Ad Hoc Working Group of Experts on southern Africa, Mr. Mijuin Leliel Balanda, introduced the Ad Hoc Working Group's interim report.

96. In the general debate on item 5, statements 3/ were made by the following members of the Commission: Australia (11th), Austria (8th), Bangladesh (11th), Brazil (8th), Bulgaria (11th), Canada (8th), Chile (10th), China (10th), Cuba (11th), Cyprus (11th), Finland (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (11th), Hungary (9th), India (11th), Indonesia (10th), Japan (10th), Kenya (11th), Malawi (11th), Malaysia (10th), Mauritania (9th), Nigeria (9th), Pakistan (11th), Republic of Korea (11th), Russian Federation (10th), Sudan (9th), Syrian Arab Republic (11th), Tunisia (on behalf of the African Group) (9th), United States of America (11th), Venezuela (11th).

97. The Commission also heard statements by the observers for: Algeria (11th), Egypt (12th), Greece (on behalf of the European Union) (8th), Morocco (10th), Senegal (11th), the United Republic of Tanzania (11th), Zimbabwe (10th).

98. The observer for the African National Congress (12th) and the observer for the Pan Africanist Congress of Azania (8th) made statements.

99. The Commission also heard a statement by the observer for the United Nations Volunteers programme (10th).

100. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (12th), Amnesty International (9th), International Commission of Jurists (10th), International Confederation of Free Trade Unions (9th).

101. At the 12th meeting, on 8 February 1994, the Chairman-Rapporteur of the Ad Hoc Working Group of Experts on southern Africa, Mr. Mijuin Leliel Balanda, presented the Working Group's final comments.

102. At its 31st meeting, on 18 February 1994, the Commission took up consideration of the draft resolution submitted under agenda item 5.

103. On 14 February 1994, a draft resolution (E/CN.4/1994/L.12) had been submitted by Algeria*, Bangladesh, Barbados, Cameroon, China, Cuba, the Democratic People's Republic of Korea*, Ethiopia*, Gabon, Ghana*, Indonesia, the Islamic Republic of Iran, Iraq*, Kenya, Lesotho, the Libyan Arab Jamahiriya, Madagascar*, Malawi, Malaysia, Mauritania, Myanmar*, Nigeria, Rwanda*, Senegal*, the Sudan, the Syrian Arab Republic, Togo, Tunisia, the United Republic of Tanzania*, Zambia* and Zimbabwe*. The draft resolution read as follows:

"Situation of human rights in South Africa

"The Commission on Human Rights,

"Recalling its resolutions 1989/5 of 23 February 1989, 1990/26 of 27 February 1990, 1991/21 of 1 March 1991, 1992/19 of 28 February 1992 and 1993/9 of 26 February 1993,

"Recalling the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted by the General Assembly in resolution S-16/1 of 14 December 1989, and the need for the full implementation of its provisions,

"Recalling also the report of the Special Committee against Apartheid (A/48/22), the fourth report of the Secretary-General on progress made in the implementation of the Declaration (A/48/691), as well as the reports of the Secretary-General on the coordinated approach by the United Nations system on the questions relating to South Africa (A/48/467 and Add.1) and on the concerted and effective measures aimed at eradicating apartheid (A/46/499),

"Having examined the interim report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1994/15),

"Welcoming the positive political developments that have taken place within the framework of the resumed multi-party negotiations providing for the holding of elections on 27 April 1994 and the establishment of the Transitional Executive Council, the finalization of the Constitution for the Transitional Period and the subsequent measures to create the Independent Electoral Commission and the Independent Broadcasting Authority,

"Also welcoming the endorsement by the parties in the multi-party negotiations of the Constitution for the Transitional Period and the Electoral Bill, "Noting with satisfaction that in the Constitution for the Transitional Period cognizance has been taken of the large number of international instruments in respect of human rights,

"Noting that while positive measures have been taken by the Government of South Africa, including the repeal of some major apartheid laws and the revision of the security legislation, important obstacles to the achievement of a climate conducive to the exercise of free political activity still remain,

'Noting also that while positive steps have been taken by the Government of South Africa towards changing the racial education system, many obstacles still persist,

"Gravely concerned that persistent violence continues to threaten and to undermine the process of peaceful change through peaceful elections due to take place on 27 April 1994,

"Stressing the need to strengthen and reinforce the mechanisms set up in South Africa under the National Peace Accord, and emphasizing the need for all parties to cooperate in combating violence, exercising restraint and taking part in the forthcoming elections,

"Welcoming the adoption of part I, paragraph 16 and part II, paragraph 19 of the Vienna Declaration and Programme of Action by the World Conference on Human Rights in June 1993 in which the World Conference welcomed the progress made in dismantling apartheid and deplored the continuing acts of violence aimed at undermining the quest for a peaceful dismantling of apartheid,

"Welcoming also the enhanced attention given by the international community to the question of violence in South Africa and especially the deployment in South Africa of observers from the United Nations, the Organization of African Unity, the Commonwealth and the European Union to further the purposes of the National Peace Accord and the forthcoming elections,

"Welcoming the positive development of granting citizenship to the inhabitants of the so-called "homelands", while noting that reforms aimed at incorporating them in the legal, political and administrative framework of South Africa have yet to be fully implemented,

"Concerned that detention without charge remains possible in law, for example under sections 29 and 50 of the Internal Security Act, as well as under the Public Safety Act,

"Stressing the importance of the powers exercised by the Minister of Justice and Order to declare unrest and to impose emergency regulations being subjected to control by the Transitional Executive Council, "_Deeply concerned_ that certain right-wing parties and/or the Freedom Alliance and some territories have threatened to boycott the forthcoming elections,

"_Gravely disturbed_ at the socio-economic inequalities in South Africa and at the accumulated negative impact of apartheid on the social, economic and cultural rights of the majority of the people of South Africa, with particularly harmful effects on women and children,

"_Welcoming_ the successful negotiations between the Government of South Africa and the main parties concerned aimed at working out modalities for a non-racial, democratic constitution and the creation of the Transitional Executive Council,

"_Recognizing_ the important role the international community and the Centre for Human Rights could play in assisting the new Government and the people of South Africa in overcoming the legacy of apartheid and promoting respect for all human rights, including civil, cultural, economic, political and social rights,

"1. _Takes note_ of the interim report of the Ad Hoc Working Group of Experts on southern Africa, and commends the Working Group for the updated documentation of the situation of human rights in South Africa;

"2. _Reaffirms_ its support for the legitimate struggle of the South African people for the total eradication of apartheid through peaceful means and their right to establish a non-racial, democratic system which is consistent with the International Bill of Human Rights;

"3. _Calls upon_ the South African authorities to exercise effectively their responsibility to maintain law and order, to stop the violence, to prosecute its perpetrators and to protect all citizens, irrespective of their political affiliation;

"4. _Also calls upon_ all parties to refrain from further acts of violence;

"5. _Strongly urges_ the Government of South Africa to implement fully the recommendations of the Commission of Enquiry into Public Violence and Intimidation (the Goldstone Commission) and to cooperate with that Commission with a view to carrying out further investigations into the functioning and operation of the security forces and other existing armed units;

"6. _Commends_ the Secretary-General for the measures taken to address areas of concern relating to the elections scheduled for 27 April 1994, and invites him to accelerate contingency planning for the role of the United Nations;

"7. Supports the recommendations of the Secretary-General for the deployment of observers in South Africa to further the purposes of the National Peace Accord, and urges him to continue to address all the areas of concern noted in his reports which fall within the purview of the United Nations;

"8. Urges all parties urgently to implement the agreement to grant a general unconditional amnesty to all those sentenced for anti-apartheid activities which are regarded as politically motivated;

"9. Appeals to the international community to assist and enhance the role of humanitarian and human rights groups in extending assistance to victims of apartheid and released political prisoners and in monitoring the situation of human rights in South Africa;

"10. Urges the South African authorities to expedite the legal and administrative measures to abolish speedily and unconditionally all the remaining "homelands" and the "bantustan system" and reincorporate them in South Africa, and to ensure that the populations in those territories can freely participate in the elections and that all political parties will be able to conduct election campaigns without fear of intimidation;

"11. Also urges the South African authorities to ensure that no parties are permitted to disrupt the democratic process leading to the elections scheduled for 27 April 1994 and to ensure that an adequate number of electoral booths are installed throughout the territory of South Africa;

"12. Further urges the South African authorities to address seriously and urgently the problem of landlessness and the gross inequalities in land ownership in order to create an atmosphere of lasting stability in South Africa;

"13. Urges once again the South African authorities to repeal the remaining discriminatory apartheid laws, introduce the necessary legal and administrative measures to correct entrenched socio-economic inequalities and implement and enforce without delay that legislation in the areas of education, health, housing, social welfare and domestic and farm work;

"14. Invites the new Government of South Africa to adopt and ratify the important international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in addition to those it has already signed;

"15. Calls for the replacement of the present racial education system with a non-racial education system;

"16. Calls upon the international community to support through appropriate measures the fragile and critical process of transition under way in South Africa;

"17. Reiterates the call to all Governments to observe fully the mandatory arms embargo and the request to the Security Council to continue to monitor effectively the implementation of the embargo, as decided in Security Council resolutions 418 (1977) of 4 November 1977, 558 (1984) of 13 December 1984 and 591 (1986) of 28 November 1986;

"18. Urges all parties in South Africa, including those which did not participate fully in the multi-party negotiations, to respect agreements reached during the talks, to recommit themselves to democratic principles, to take part in the elections and to resolve outstanding issues by peaceful means only;

"19. Strongly urges the international community, following the adoption by the General Assembly of resolution 48/1 on 8 October 1993, to respond generously and positively to the appeal by the people of South Africa for assistance in the economic reconstruction of their country and to ensure that the new South Africa begins its existence on a firm economic basis;

"20. Supports the efforts of the Secretary-General, together with all the parties concerned, to implement effectively plans for the role of the United Nations in the election process in coordination with the observer missions of the Organization of African Unity, the Commonwealth, the European Union and observers from non-governmental organizations;

"21. Urges the Government of South Africa, together with all parties, to create a fair and impartial judiciary and to rehabilitate, develop and train a new police force whose primary role would be to maintain law and order;

"22. Calls upon the Centre for Human Rights to respond at the appropriate time, as guided by the Secretary-General, to the needs of the changing situation in South Africa during the period of transition, in accordance with General Assembly resolutions 47/116 A of 18 December 1992 and 48/159 A of 20 December 1993;

"23. Calls for the definitive abolition of sections 29 and 50 of the Internal Security Act and other remaining repressive regulations such as the Public Safety Act of 1953 which are inconsistent with the new democratic society of South Africa;

"24. Requests the Centre for Human Rights to place at the disposal of the new Government and the people of South Africa its experience in advisory services to assist in the preparation of a programme of technical cooperation in the field of human rights aimed at promoting respect for all human rights, overcoming the legacy of apartheid, raising the capacity of members of the disadvantaged communities, with particular attention to women and children, and strengthening democratic institutions, especially through education, training and information;

"25. Requests the bodies and agencies of the United Nations system to contribute to the preparation and implementation of a programme of technical cooperation in the field of human rights and social and economic development, including the programme of the International Labour Organisation, in order to change the labour laws so that they are in conformity with the international labour standards;

"26. Requests the Ad Hoc Working Group of Experts to continue, in cooperation with the Special Committee against Apartheid and other investigatory and monitoring bodies, to examine the situation regarding the violations of human rights in South Africa including, in particular, reports of torture, ill-treatment and deaths of detainees, infringements of trade-union rights, as well as the situation of women and children;

"27. Renews its request to the Government of South Africa to allow the Ad Hoc Working Group of Experts to visit South Africa to gather information from individuals and organizations in order to ascertain the situation of human rights in South Africa, in such a manner that:

"(a) The Ad Hoc Working Group of Experts would be guaranteed free and confidential access to any individual, organization, prisoner or ex-prisoner, detainee or ex-detainee;

"(b) The Government of South Africa would provide a firm undertaking that any person or organization providing evidence would be granted immunity from any State action as a result thereof;

"28. Requests the Ad Hoc Working Group of Experts to submit a preliminary report to the General Assembly at its forty-ninth session and its final report to the Commission on Human Rights at its fifty-first session."

104. At its 31st meeting, on 18 February 1994, the observer for the United Republic of Tanzania introduced a revised draft resolution (E/CN.4/1994/L.12/Rev.1) with the same sponsors as draft resolution E/CN.4/1994/L.12. Australia, Finland, Iceland*, Ireland*, Norway*, Swaziland* and Sweden* subsequently joined the sponsors.

105. The observer for the United Republic of Tanzania orally revised the draft resolution as follows:

In the sixteenth preambular paragraph, the word "Justice" after the words "the Minister of" was replaced by "Law".

106. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

107. The draft resolution, as orally revised, was adopted without a vote.

108. For the text as adopted, see chapter II, section A, resolution 1994/10.

VI. ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME IN SOUTH AFRICA

109. The Commission considered agenda item 6 concurrently with items 5 and 14 (see chaps. V and XIV), at its 8th to 12th meetings on 4 to 8 February, and at its 30th meeting on 18 February 1994. 1/

110. The Commission had before it the following documents:

Note by the Secretary-General (E/CN.4/1994/16);

Preliminary report on monitoring the transition to democracy in South Africa submitted by Mrs. Judith Sefi Attah, Special Rapporteur, pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/6 (E/CN.4/Sub.2/1993/11 and Add.1).

111. At its 8th meeting, on 4 February 1994, Mrs. Judith Sefi Attah, Special Rapporteur, introduced her preliminary report on monitoring the transition to democracy in South Africa.

112. In the general debate on agenda item 6, statements 3/ were made by the following members of the Commission: Austria (8th), Bangladesh (11th), Brazil (8th), Bulgaria (11th), Chile (10th), China (10th), Cuba (11th), Cyprus (11th), Finland (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (11th), Hungary (9th), India (11th), Indonesia (10th), Japan (10th), Malawi (11th), Malaysia (10th), Mauritania (9th), Nigeria (9th), Republic of Korea (11th), Russian Federation (10th), Sudan (9th), Syrian Arab Republic (11th), Tunisia (on behalf of the African Group) (9th), Venezuela (11th).

113. The Commission also heard statements by the observers for: Algeria (11th), Egypt (12th), Morocco (10th).

114. The observer for the African National Congress (12th) and the observer for the Pan Africanist Congress of Azania (8th) made statements.

115. The Commission heard a statement by the observer for the United Nations Volunteers programme (10th).

116. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (12th), International Confederation of Free Trade Unions (9th), International Lesbian and Gay Association (10th), Service, Justice and Peace in Latin America (10th).

117. At its 30th meeting on 18 February 1994, the Commission took up consideration of the draft resolution submitted under agenda item 6.

118. The representative of Nigeria introduced a draft resolution (E/CN.4/1994/L.15), sponsored by Algeria*, Angola, Burundi*, Cameroon, China, Costa Rica, Cuba, Ethiopia*, the Islamic Republic of Iran, Kenya, Lesotho,

Madagascar*, Malawi, Mauritania, Nigeria, Senegal*, the Sudan, Tunisia, Zambia* and Zimbabwe*. El Salvador*, Myanmar* and Viet Nam* subsequently joined the sponsors.

119. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

120. The draft resolution was adopted without a vote.

121. For the text as adopted, see chapter II, section A, resolution 1994/8.

VII. QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

(a) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS

122. The Commission considered agenda item 7 concurrently with items 8, 15 and 16 (see chaps. VIII, XV and XVI) at its 12th to 19th meetings, on 8 to 11 February, at its 41st and 42nd meetings, on 25 February, at its 46th meeting, on 1 March, and at its 57th meeting, on 4 March 1994. 1/

123. The Commission had before it the following documents:

Report of the Secretariat (A/CONF.157/PC/73);

Comprehensive report of the Secretary-General, prepared in pursuance of Commission on Human Rights resolution 1993/12 (E/CN.4/1994/17 and Add.1);

Note by the Secretary-General on human rights and extreme poverty (E/CN.4/1994/18);

Completed final report submitted by Mr. Luis Valencia Rodríguez, independent expert, on the right of everyone to own property alone as well as in association with others (E/CN.4/1994/19 and Add.1);

Analytical report compiled by the Secretary-General pursuant to Commission resolution 1993/77 on forced evictions (E/CN.4/1994/20);

Note by the Secretary-General (E/CN.4/1994/100);

Note verbale dated 10 February 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1994/112);

Written statement submitted by the International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities, a non-governmental organization on the Roster (E/CN.4/1994/NGO/6);

Written statement submitted by the Centre Europe-Tiers Monde, a non-governmental organization on the Roster (E/CN.4/1994/NGO/16);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/34).

124. At its 12th meeting, on 8 February 1994, the independent expert on the right to property, Mr. Luis Valencia Rodríguez, introduced his final report (E/CN.4/1994/19 and Add.1) to the Commission.

125. In the general debate on agenda item 7, statements 3/ were made by the following members of the Commission: Angola (16th), Australia (16th), Austria (17th), Brazil (on behalf of the Rio Group) (16th), Canada (13th), Chile (13th), Colombia (13th), Costa Rica (16th), Cuba (13th), Ecuador (16th), Finland (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (17th), Kenya (15th), Libyan Arab Jamahiriya (14th), Malawi (16th), Malaysia (14th), Mauritania (15th), Mexico (16th), Netherlands (14th), Nigeria (17th), Poland (16th), Russian Federation (14th), Sri Lanka (16th), Sudan (13th), United States of America (16th), Venezuela (15th).

126. The Commission also heard statements by the observers for: Algeria (17th), Greece (on behalf of the European Union) (17th), Holy See (17th), Honduras (17th), Iraq (18th), Nepal (18th), Philippines (17th), Ukraine (15th).

127. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (13th), Centre Europe-Tiers Monde (14th), Commission for the Defence of Human Rights in Central America (19th), Habitat International Coalition (19th), International Association against Torture (19th), International Commission of Jurists (18th), International Confederation of Free Trade Unions (13th), International Fellowship of Reconciliation (13th), International Humanist and Ethical Union (13th), International Indian Treaty Council (19th), International Movement ATD Fourth World (15th), Movement against Racism and for Friendship among Peoples (14th), Women's International League for Peace and Freedom (18th), World Alliance of Reformed Churches (18th), World Confederation of Labour (15th), World Federation of Trade Unions (18th), World Organization against Torture (18th), World University Service (18th).

128. Statements in exercise of the right of reply or its equivalent were made by the representative of India (19th) and the observers for Nicaragua (19th) and the Philippines (19th).

129. At its 41st meeting, on 25 February 1994, the Commission took up consideration of the draft resolutions submitted under agenda item 7.

130. The representative of Cuba introduced draft resolution E/CN.4/1994/L.17, sponsored by Angola, Costa Rica, Cuba, the Democratic People's Republic of Korea*, Guatemala*, the Islamic Republic of Iran, Jordan*, the Libyan Arab Jamahiriya, Madagascar*, Mexico, Nigeria, the Philippines*, Sri Lanka, the Sudan, the Syrian Arab Republic and Venezuela. Cameroon, Colombia, Côte d'Ivoire, Ethiopia*, Iraq* and Viet Nam* subsequently joined the sponsors.

131. The representative of Cuba orally revised the draft resolution as follows:

(a) In the Spanish text of the sixth preambular paragraph, the words "al ser humano" were replaced by "la persona humana" and the word "humanos" added after the word "derechos";

(b) In operative paragraph 5, the words "that the policies being imposed to ensure debt payment by developing countries have and how they hinder the effective enjoyment of all human rights by the people of those countries" were replaced by the following text: "of the policies adopted to face situations of external debt on the effective enjoyment of economic, social and cultural rights";

(c) Operative paragraph 6, which read:

> "Requests the Secretary-General, in accordance with the commitment derived from part I, paragraph 12, of the Vienna Declaration and Programme of Action, to request the Governments of creditor countries to provide detailed information on the actions being taken to alleviate the debt burden of developing countries, and to submit to the Commission on Human Rights at its fifty-first session a compilation of the information requested"

was deleted;

(d) In operative paragraph 7, the words "as well as" after the word "Government" were deleted;

(e) In the same paragraph, the words "as well as intergovernmental and non-governmental organizations" were inserted after the words "specialized agencies";

(f) Operative paragraphs 7 and 8 were renumbered accordingly.

132. At the request of the representative of the United States of America, a vote was taken on the draft resolution. The representative of Cuba requested a roll-call vote.

133. The draft resolution was adopted by 31 votes to 12, with 8 abstentions. The voting was as follows:

In favour: Angola, Bangladesh, Barbados, Brazil, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Ecuador, Gabon, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, Venezuela.

Against: Australia, Austria, Canada, Finland, Germany, Hungary, Italy, Japan, Netherlands, Poland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bulgaria, Cyprus, France, Peru, Republic of Korea, Romania, Russian Federation, Uruguay.

134. At the 57th meeting, on 4 March 1994, statements in explanation of vote after the vote were made by the representatives of Japan, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

135. For the text as adopted, see chapter II, section A, resolution 1994/11.

136. At the 41st meeting, on 25 February 1994, the observer for Portugal introduced draft resolution E/CN.4/1994/L.18, sponsored by Australia, Austria, Belgium*, Bulgaria, Chile, Costa Rica, the Czech Republic*, Denmark*, Finland, Germany, Hungary, Latvia*, Madagascar*, Peru, Poland, Portugal*, the Russian Federation, Slovakia* and the United Kingdom of Great Britain and Northern Ireland. France, Greece*, the Netherlands, Norway*, the Philippines*, Romania, Senegal*, Spain*, Sweden*, Switzerland*, Tunisia and Ukraine* subsequently joined the sponsors.

137. The observer for Portugal orally revised the draft resolution as follows: in operative paragraph 12, the words "*Takes note with interest of*" were replaced by the word "*Endorses*".

138. The representative of the Islamic Republic of Iran proposed the following amendments to the draft resolution:

(a) In the ninth preambular paragraph, the words "and nations" were inserted after the words "the needs of individuals";

(b) In operative paragraph 2, the words "strictly within the framework" were inserted after the words "the relevant issues".

139. The representatives of Brazil, China, India, Nigeria and the Syrian Arab Republic and the observer for Portugal made statements in connection with the draft resolution and the proposed amendments.

140. The Commission decided to postpone consideration of the draft resolution.

141. At its 42nd meeting, on 25 February 1994, the Commission resumed consideration of draft resolution E/CN.4/1994/L.18.

142. The observer for Portugal orally revised the draft resolution as follows:

(a) In the ninth preambular paragraph, the word "individuals" was replaced by the word "people";

(b) In operative paragraph 2, the words "within the framework" were inserted after the words "the relevant issues";

(c) In operative paragraph 7, the words "recognizes the importance of using indicators as a means of measuring or assessing progress in the realization of human rights, as referred to in the Vienna Declaration and Programme of Action" became the new paragraph 7;

(d) In operative paragraph 7, the first part of the paragraph ending with the words "January 1993" became the new paragraph 8;

(e) The subsequent paragraphs were renumbered accordingly;

(f) In new operative paragraph 8, the words "with interest" after the word "Notes" were deleted;

(g) In new operative paragraph 9, the words "as well as representatives of States" were inserted after the words "non-governmental organizations";

(h) In the same operative paragraph, the words "as well as the nature of States parties' obligations" were deleted.

143. The representative of Malaysia proposed that in the third preambular paragraph the following words should be deleted after the words "interdependent and interrelated": "and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights".

144. Statements in connection with the revised draft resolution were made by the representative of Malaysia and the observer for Portugal.

145. The Commission decided to postpone the debate on the draft resolution.

146. At its 46th meeting, on 1 March 1994, the Commission resumed consideration of draft resolution E/CN.4/1994/L.18.

147. Statements in connection with the draft resolution and the proposed amendments were made by the representatives of Brazil and Malaysia and the observer for Portugal.

148. At the request of the representative of the United States of America, a roll-call vote was taken on the amendment proposed by the representative of Malaysia.

149. The amendment was rejected by 39 votes to 1, with 13 abstentions. The voting was as follows:

In favour: Malaysia.

Against: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Germany, Guinea-Bissau, Hungary, Italy, Japan, Mauritania, Mauritius, Mexico, Netherlands, Nigeria, Peru, Poland, Republic of Korea, Romania, Russian Federation, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: China, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Pakistan, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia.

150. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

151. At the request of the representative of Malaysia, a roll-call vote was taken on the draft resolution.

152. The draft resolution was adopted by 52 votes to none, with 1 abstention. The voting was as follows:

In favour: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Germany, Guinea-Bissau, Hungary, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Mauritania, Mauritius, Mexico, Netherlands, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: None.

Abstaining: Malaysia.

153. At the 57th meeting, on 4 March 1994, a statement in explanation of vote after the vote was made by the representative of Japan.

154. For the text as adopted, see chapter II, section A, resolution 1994/20.

155. In view of the adoption of resolution 1994/20 (see paras. 136-154), the Commission took no action on draft decision 9, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1994/2, chap. I, sect. B).

156. At the 41st meeting, on 25 February 1994, the representative of France introduced draft resolution E/CN.4/1994/L.20, sponsored by Argentina*, Australia, Austria, Bangladesh, Belgium*, Brazil, Burundi*, Chile, Colombia, Costa Rica, Cyprus, the Czech Republic*, Denmark*, France, Germany, Greece*, Guatemala*, Hungary, Italy, Kenya, Lesotho, Madagascar*, Mauritius, Mexico, Peru, the Philippines*, Poland, Portugal*, Romania, the Russian Federation, Rwanda*, Senegal*, Slovakia*, Spain*, Switzerland* and Venezuela. Cameroon, Côte d'Ivoire, Ireland*, the Netherlands, Nigeria, Tunisia, Uruguay and Zimbabwe* subsequently joined the sponsors.

157. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

158. The draft resolution was adopted without a vote.

159. At the 57th meeting, on 4 March 1994, a statement in explanation of his delegation's position was made by the representative of the United States of America.

160. For the text as adopted, see chapter II, section A, resolution 1994/12.

161. In view of the adoption of resolution 1994/12 (see paras. 156-160), the Commission took no action on draft resolution III recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1994/2, chap. I, sect. A).

162. At the 41st meeting, on 25 February 1994, the representative of the United States of America introduced draft resolution E/CN.4/1994/L.21, sponsored by the Czech Republic*, Greece*, Japan, Romania, the Russian Federation, Slovakia*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Argentina*, Costa Rica, Cyprus, Ecuador, Germany, the Philippines* and Poland subsequently joined the sponsors.

163. A statement in explanation of his delegation's position was made by the representative of Cuba.

164. The draft resolution was adopted without a vote.

165. For the text as adopted, see chapter II, section A, resolution 1994/13.

166. At the same meeting, the representative of Australia introduced draft resolution E/CN.4/1994/L.22, sponsored by Australia, Austria, Costa Rica, Denmark*, Ireland*, Norway* and Peru. Argentina*, France, Germany, Hungary, the Netherlands, Portugal*, Slovakia*, Tunisia, Uruguay and Venezuela subsequently joined the sponsors.

167. The representative of Cuba proposed that the first preambular paragraph of the draft resolution be amended by inserting the word "interdependent" after "indivisible".

168. The representative of the Syrian Arab Republic proposed that the words "can contribute" be replaced by "are contributing" in the ninth preambular paragraph.

169. The representative of the United Kingdom of Great Britain and Northern Ireland proposed inserting the word "universal" before "indivisible" in the first preambular paragraph.

170. The representative of Malaysia proposed that the draft resolution be amended as follows:

(a) In the ninth preambular paragraph, the words "can contribute" should be replaced by "could contribute";

(b) In the first preambular paragraph, the words "and that the promotion and protection of one category of rights does not exempt or excuse States from the duty of promoting and protecting other rights" should be deleted.

171. Statements in connection with the draft resolution and the proposed amendments were made by the representatives of Australia and Malaysia.

172. The Commission decided to postpone consideration of draft resolution E/CN.4/1994/L.22.

173. At the 46th meeting, on 1 March 1994, the Commission again postponed consideration of draft resolution E/CN.4/1994/L.22.

174. At its 57th meeting, on 4 March 1994, the Commission resumed consideration of draft resolution E/CN.4/1994/L.22.

175. The representative of Australia orally revised the draft resolution as follows:

(a) In the first preambular paragraph, the word "universal" was inserted before "indivisible" and the words "and interdependent" inserted after "indivisible";

(b) In the ninth preambular paragraph, the words "and that violations of their rights are therefore serious obstacles to development" after the word "development" were deleted;

(c) In operative paragraph 1, the words "trade union rights freely and in full" were replaced by "right to organize and to form and join trade unions for the protection of their interests".

176. The draft resolution, as orally revised, was adopted without a vote.

177. For the text as adopted, see chapter II, section A, resolution 1994/63.

178. At the 41st meeting, on 25 February 1994, the Commission considered draft resolution IV, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1994/2, chap. I, sect. A).

179. The representative of Brazil proposed that the draft resolution be amended by deleting operative paragraph 5 from the text recommended for adoption by the Economic and Social Council.

180. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

181. The draft resolution, as amended, was adopted without a vote.

182. For the text as adopted, see chapter II, section A, resolution 1994/14.

183. At the same meeting, the Commission considered draft decision 7 recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1994/2, chap. I, sect. B).

184. The representative of India proposed that the draft decision be amended by inserting in paragraph (d) the words "with the consent of the States concerned" after "on-site visits".

185. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft decision.

186. The draft decision, as amended, was adopted without a vote.

187. For the text as adopted, see chapter II, section B, decision 1994/102.

VIII. QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

188. The Commission considered agenda item 8 concurrently with items 7, 15 and 16 (see chaps. VII, XV and XVI), at its 12th to 19th meetings, on 8 to 11 February, and at its 46th meeting, on 1 March 1994. 1/

189. The Commission had before it the following documents:

> Report of the Working Group on the Right to Development on its first session (E/CN.4/1994/21 and Corr.1);
>
> Note by the Secretariat (E/CN.4/1994/99);
>
> Note verbale dated 10 February 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights (E/CN.4/1994/117);
>
> Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/50).

190. At the 12th meeting, on 8 February 1994, the Chairman-Rapporteur of the Working Group on the Right to Development introduced the report of the Working Group on its first session (E/CN.4/1994/21 and Corr.1).

191. In the general debate on agenda item 8, statements 3/ were made by the following members of the Commission: Angola (16th), Australia (16th), Austria (17th), Bangladesh (15th), Brazil (on behalf of the Rio Group) (16th), Canada (13th), Chile (13th), Colombia (13th), Costa Rica (16th), Cuba (16th), Ecuador (16th), Finland (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (17th), India (13th), Indonesia (15th), Kenya (15th), Libyan Arab Jamahiriya (14th), Malawi (16th), Malaysia (13th), Mauritania (15th), Mexico (16th), Nigeria (17th), Pakistan (17th), Poland (16th), Russian Federation (14th), Sri Lanka (16th), Sudan (13th), United States of America (16th), Venezuela (15th).

192. The Commission also heard statements by the observers for: Algeria (17th), Greece (on behalf of the European Union) (17th), Holy See (17th), Honduras (17th), Iraq (18th), Morocco (17th), Nepal (18th), Philippines (17th), Senegal (18th).

193. The Commission also heard statements by the following non-governmental organizations: Centre Europe-Tiers Monde (14th), Christian Democrat International (19th), Commission for the Defence of Human Rights in Central America (19th), Habitat International Coalition (19th), International Association Against Torture (19th), International Association of Educators for World Peace (18th), International Commission of Jurists (18th), International Confederation of Free Trade Unions (13th), International Federation of Rural Adult Catholic Movements (15th), International Fellowship of Reconciliation (13th), International Humanist and Ethical Union (13th)

International Indian Treaty Council (19th), International Work Group for Indigenous Affairs (19th), Minority Rights Group (19th), Movement against Racism and for Friendship among Peoples (14th), World Alliance of Reformed Churches (18th), World Confederation of Labour (15th), World Federation of Trade Unions (18th), World Organization against Torture (18th).

194. At its 46th meeting, on 1 March 1994, the Commission took up consideration of the draft resolutions submitted under agenda item 8.

195. The representative of Indonesia introduced draft resolution E/CN.4/1994/L.28, sponsored by Afghanistan*, Bangladesh, Barbados, Brazil, Burundi*, Chile, China, Colombia, Costa Rica, Cuba, the Democratic People's Republic of Korea*, Ethiopia*, India, Indonesia, the Islamic Republic of Iran, Iraq*, Jordan*, Kenya, Lesotho, Madagascar*, Malawi, Malaysia, Mexico, Myanmar*, Nigeria, Pakistan, the Philippines*, Rwanda*, Singapore*, Sri Lanka, the Sudan, the Syrian Arab Republic, Tunisia, Venezuela and Viet Nam*. Algeria*, Angola, Bhutan*, Cameroon, Côte d'Ivoire, Ecuador, Guatemala*, Guinea-Bissau, the Libyan Arab Jamahiriya, Mongolia*, Morocco*, Peru, Senegal*, Thailand* and Zimbabwe* subsequently joined the sponsors.

196. Statements in explanation of vote before the vote were made by the representatives of Germany, Japan, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

197. The representative of the United States of America asked for the draft resolution to be put to a vote.

198. At the request of the representative of Indonesia, a roll-call vote was taken on the draft resolution.

199. The draft resolution was adopted by 42 votes to 3, with 8 abstentions. The voting was as follows:

In favour: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, France, Gabon, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Peru, Republic of Korea, Romania, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, Uruguay, Venezuela.

Against: Japan, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Canada, Finland, Germany, Hungary, Italy, Netherlands, Poland, Russian Federation.

200. Statements in explanation of vote after the vote were made by the representatives of Australia, Austria, Bulgaria, Canada, Finland, France, Poland, Romania and the Russian Federation.

201. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission's attention was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

202. For the text as adopted, see chapter II, section A, resolution 1994/21.

IX. THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

203. The Commission considered agenda item 9 concurrently with item 4 (see chap. IV) at its 4th to 8th meetings, on 2 to 4 February and at its 30th meeting, on 18 February 1994. 1/

204. The Commission had before it the following documents:

Note by the Secretary-General transmitting to the General Assembly the report on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/48/385), prepared by Mr. Enrique Bernales Ballesteros, Special Rapporteur, in accordance with General Assembly resolution 47/84;

Report of the Secretary-General on the situation in occupied Palestine (E/CN.4/1994/22);

Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/1994/23), submitted by Mr. Enrique Bernales Ballesteros, Special Rapporteur, pursuant to Commission resolution 1993/5.

Letter dated 10 February 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva, addressed to the Chairman of the fiftieth session of the Commission on Human Rights (E/CN.4/1994/116);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/27);

Written statement submitted by the Society for Endangered Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/52).

205. At its 4th meeting, on 2 February 1994, Mr. Enrique Bernales Ballesteros, Special Rapporteur on mercenaries, introduced his report (E/CN.4/1994/23) to the Commission.

206. In the general debate on agenda item 9, statements 3/ were made by the following members of the Commission: Australia (6th meeting), Brazil (4th), China (6th) Cuba (7th), Malaysia (6th), Mauritania (7th), Nigeria (7th), Pakistan (6th), Russian Federation (7th).

207. The Commission also heard statements by the observers for: Algeria (5th), Morocco (8th), Portugal (7th), Turkey (6th).

208. The observer for the Pan Africanist Congress of Azania made a statement (6th).

209. The Commission also heard statements by the following non-governmental organizations: Centre Europe-Tiers Monde (5th), Commission for the Defence of Human Rights in Central America (5th), France-Libertés: Fondation Danielle Mitterrand (8th), International Association of Educators for World Peace (8th), International Educational Development, Inc. (8th), International Indian Treaty Council (8th), International League for the Rights and Liberation of Peoples (6th), Latin American Federation of Associations of Relatives of Disappeared Detainees (8th), Pax Christi International (8th), World Islamic Call Society (7th), World Muslim Congress (6th).

210. Statements in exercise of the right of reply or its equivalent were made by the representatives of: India (7th), Indonesia (8th), Pakistan (7th) and the observers for Morocco (8th) and Portugal (8th).

211. A statement in exercise of the second right of reply was made by the representative of Indonesia (8th).

212. At its 30th meeting, on 18 February 1994, the Commission took up consideration of the draft resolutions submitted under agenda item 9.

213. The representative of the United States of America introduced draft resolution E/CN.4/1994/L.2, sponsored by Albania*, Australia, Austria, Argentina*, Bulgaria, Colombia, Costa Rica, El Salvador*, Estonia*, Germany, Hungary, Japan, Latvia*, the Netherlands, Nicaragua*, Norway*, Peru, Poland, Romania, the Russian Federation, Slovenia*, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Angola, Barbados, Belgium*, Brazil, Cameroon, Canada, Côte d'Ivoire, Cyprus, the Czech Republic*, Denmark*, Ecuador, Finland, Greece*, Guatemala*, Iceland*, India, Israel*, Italy, Jordan*, Kenya, Liechtenstein*, Malawi, Malta*, Mauritius, Morocco*, Myanmar*, New Zealand*, Panama*, the Philippines*, Portugal*, the Republic of Korea, Slovakia*, Spain*, Sweden*, Thailand*, Tunisia and Venezuela subsequently joined the sponsors.

214. The representative of the Islamic Republic of Iran made a statement on the draft resolution.

215. At the request of the representative of the Syrian Arab Republic, a roll-call vote was taken on the draft resolution.

216. The draft resolution was adopted by 48 votes to 2, with 2 abstentions. The voting was as follows:

In favour: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Germany, Hungary, India, Indonesia, Italy, Japan, Kenya, Lesotho, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Netherlands, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Iran (Islamic Republic of), Syrian Arab Republic.

Abstaining: Libyan Arab Jamahiriya, Sudan.

217. Statements in explanation of vote after the vote were made by the representatives of Cuba, Ecuador, France, the Islamic Republic of Iran, Lesotho, the Libyan Arab Jamahiriya, Mauritania, the Sudan and the Syrian Arab Republic.

218. For the text as adopted, see chapter II, section A, resolution 1994/4.

219. At the same meeting, the representative of Mauritania introduced draft resolution E/CN.4/1994/L.6, sponsored by Algeria*, Bahrain*, China, Cuba, Indonesia, Jordan*, Malaysia, Mauritania, Morocco*, Oman*, Pakistan, Qatar*, Saudi Arabia*, Senegal*, Somalia*, the Sudan, Tunisia, the United Arab Emirates*, and Yemen*.

220. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution.

221. The draft resolution was adopted by 26 votes to 1, with 25 abstentions. The voting was as follows:

In favour: Angola, Bangladesh, Brazil, Cameroon, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Gabon, India, Indonesia, Iran (Islamic Republic of), Lesotho, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Republic of Korea, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela.

Against: United States of America.

Abstaining: Australia, Austria, Barbados, Bulgaria, Canada, Côte d'Ivoire, Ecuador, Finland, France, Germany, Hungary, Italy, Japan, Kenya, Libyan Arab Jamahiriya, Malawi, Mauritius, Netherlands, Peru, Poland, Romania, Russian Federation, Togo, United Kingdom of Great Britain and Northern Ireland, Uruguay.

222. Statements in explanation of vote after the vote were made by the representatives of Canada, the Islamic Republic of Iran and the Syrian Arab Republic.

223. For the text as adopted, see chapter II, section A, resolution 1994/5.

224. At the same meeting, the Chairman introduced draft resolution E/CN.4/1994/L.7 submitted by the Chairman.

225. The draft resolution was adopted without a vote.

226. For the text as adopted, see chapter II, section A, resolution 1994/6.

227. At the same meeting, the representative of Nigeria introduced draft resolution E/CN.4/1994/L.9, sponsored by Angola, Barbados, Burundi*, Cameroon, China, Colombia, Costa Rica, Cuba, Ethiopia*, Ghana*, India, Kenya, Malawi, Mauritania, Mauritius, Nigeria, Rwanda*, Senegal*, the Sudan, Swaziland*, the United Republic of Tanzania* and Zambia*. Iraq*, Lesotho, Myanmar*, Peru, Tunisia and Zimbabwe* subsequently joined the sponsors.

228. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

229. The representative of the United Kingdom of Great Britain and Northern Ireland requested a vote on the draft resolution.

230. The draft resolution was adopted by 35 votes to 1, with 15 abstentions.

231. A statement in explanation of vote after the vote was made by the representative of the United States of America.

232. For the text as adopted, see chapter II, section A, resolution 1994/7.

X. QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: (a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT; (b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT; (c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES; (d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

233. The Commission considered agenda item 10 and sub-items (a), (b), (c) and (d) at its 26th to 29th meetings and at its 31st to 34th meetings, on 16 to 22 February, and at its 55th meeting, on 4 March 1994. 1/

234. The Commission had before it the following documents:

Report of the Secretary-General on human rights and forensic science (E/CN.4/1994/24);

Report of the Working Group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1994/25 and Add.1);

Report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26 and Corr.1-2 and Add.1);

Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1994/28);

Report by the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1994/29 and Add.1);

Report of the Working Group on Arbitrary Detention (E/CN.4/1994/27);

Updated report of the Secretary-General on the detention of international civil servants and their families, prepared pursuant to Commission on Human Rights resolution 1993/39 (E/CN.4/1994/30 and Corr.1);

Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1992/32 (E/CN.4/1994/31);

Note by the Secretary-General on the question of the human rights of all persons subjected to any form of detention or imprisonment (E/CN.4/1994/32);

Report of the Special Rapporteur, Mr. Abid Hussain, on the promotion and protection of the right to freedom of opinion and expression, prepared pursuant to Commission on Human Rights resolution 1993/45 (E/CN.4/1994/33);

Note by the Secretariat on the drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (E/CN.4/1994/88 and Corr.1);

Letter dated 28 April 1993 from the Permanent Mission of the Republic of Cyprus to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights at its forty-ninth session (E/CN.4/1994/93 and Corr.1);

Letter dated 28 January 1994 from the Permanent Representative of the Transitional Government of Ethiopia to the United Nations Office at Geneva, addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1994/103);

Written statement submitted by International PEN, a non-governmental organization on the Roster (E/CN.4/1994/NGO/5);

Written statement submitted by the International Federation of Action of Christians for the Abolition of Torture, a non-governmental organization on the Roster (E/CN.4/1994/NGO/8);

Written statements submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/10 and E/CN.4/1994/NGO/11);

Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/18);

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/19);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1994/NGO/20);

Written statement submitted by Reporters Sans Frontières, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/21);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/25);

Written statement submitted by the International Commission of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/36);

Written statement submitted by the Humanitarian Law Project, a non-governmental organization on the roster (E/CN.4/1994/NGO/37);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/43);

Sixth revised annual report and list of States which, since January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37 (E/CN.4/Sub.2/1993/23/Rev.1).

235. At the 26th meeting, on 16 February 1994, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Abid Hussain, introduced his report (E/CN.4/1994/33) to the Commission.

236. At the same meeting, the Chairman-Rapporteur of the Working Group on Arbitrary Detention, Mr. Louis Joinet, introduced the report of the Working Group on Arbitrary Detention (E/CN.4/1994/27) to the Commission.

237. In the general debate on agenda item 10, statements 3/ were made by the following members of the Commission: Australia (28th), Austria (32nd), Chile (26th and 32nd), China (28th), Cuba (34th), Cyprus (26th), India (29th), Netherlands (33rd), Peru (32nd), Poland (33rd), Republic of Korea (33rd), Russian Federation (29th), United Kingdom of Great Britain and Northern Ireland (29th), United States of America (32nd).

238. The Commission also heard statements by the observers for: Algeria (33rd), Czech Republic (28th), Greece (on behalf of the European Union) (26th), Norway (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (32nd), Portugal (33rd), Spain (32nd), Turkey (28th).

239. The Observer for Switzerland made a statement (29th).

240. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (31st), Amnesty International (29th), Arab Lawyers' Union (34th), Article 19: The International Centre Against Censorship (28th), Centre Europe-Tiers Monde (33rd), Commission for the Defence of Human Rights in Central America (33rd), Commission of the Churches on International Affairs of the World Council of Churches (27th), France Libertés: Fondation Danielle Mitterrand (26th), Habitat International Coalition (28th), Human Rights Watch (33rd), International Association against Torture (31st), International Association of Educators for World Peace (27th), International Commission of Jurists (28th), International Educational Development, Inc. (33rd), International Federation of Human Rights (National Coordination of Human Rights in Peru) (26th), International Indian Treaty Council (31st), International League for the Rights and Liberation of Peoples (27th), International PEN (26th), International Work Group for Indigenous Affairs (32nd), Lawyers Committee for Human Rights (29th), Liberation (31st), Pax Christi International (32nd), Pax Romana (and National Coordination of Human Rights in Peru) (33rd), Reporters Sans Frontières (31st), Robert F. Kennedy Memorial (31st), Service, Justice and Peace in Latin America (29th), Women's International League for Peace and Freedom (34th), World Christian Life Community (28th), World Organization Against Torture (27th), World Student Christian Federation (33rd).

241. Statements in exercise of the right of reply or its equivalent were made by the representatives of Bangladesh (33rd), China (29th and 33rd), Costa Rica (34th), Cuba (29th, 32nd, 33rd and 34th), Ecuador (32nd), India (29th, 32nd, 33rd and 34th), Indonesia (33rd and 34th), Iraq (29th), the Islamic Republic of Iran (32nd), Kenya (29th and 32nd), Malawi (32nd), Pakistan (29th, 32nd and 34th), the Philippines (34th), Portugal (34th), Spain (29th), the Syrian Arab Republic (34th), and the United States of America (34th).

242. Statements in exercise of the second right of reply were made by the representative of Pakistan (34th) and the observer for Portugal (34th).

243. At the 55th meeting, on 4 March 1994, the representative of Kenya introduced draft resolution E/CN.4/1994/L.31, sponsored by Angola, Burundi*, Cameroon, Côte d'Ivoire, Ethiopia*, Gabon, Ghana*, Kenya, Lesotho, Liberia*, Madagascar*, Malawi, Mauritania, Mauritius, Morocco*, Nigeria, Rwanda*, Senegal*, Sudan, Swaziland*, Togo, Tunisia, the United Republic of Tanzania*, Zambia* and Zimbabwe*.

244. The draft resolution was adopted without a vote.

245. For the text as adopted, see chapter II, section A, resolution 1994/30.

246. At the same meeting, the observer for Portugal introduced draft resolution E/CN.4/1994/L.42, sponsored by Australia, Austria, Cameroon, Costa Rica, the Czech Republic*, France, Germany, Hungary, Ireland*, Italy, Liechtenstein*, New Zealand*, the Philippines*, Portugal*, the Republic of Korea, Slovakia*, Sweden*, Ukraine*, and the United Kingdom of Great Britain and Northern Ireland. Canada, Greece*, Guinea-Bissau, Japan, Latvia*, Luxembourg*, Norway* and Turkey* subsequently joined the sponsors.

247. The Commission postponed consideration of draft resolution E/CN.4/1994/L.42.

248. Later at the same meeting, the Commission resumed consideration of draft resolution E/CN.4/1994/L.42.

249. The observer for Portugal orally revised the draft resolution as follows:

(a) In the fourth preambular paragraph, the words "sending missions in difficult conditions" were added after the word "responsibilities";

(b) In the same paragraph, after the word "world", the words "particularly in peace-keeping missions and humanitarian operations in difficult conditions" were deleted;

(c) In the same paragraph, after the words "staff members", the words "and other personnel acting under its authority" were added.

250. The draft resolution, as orally revised, was adopted without a vote.

251. For the text as adopted, see chapter II, section A, resolution 1994/42.

252. At the same meeting, the representative of the Russian Federation introduced draft resolution E/CN.4/1994/L.43, sponsored by Argentina*, Armenia*, Austria, the Netherlands, Portugal*, the Russian Federation and Slovakia*. The Czech Republic*, France, Germany, Greece*, Latvia* and the United States of America subsequently joined the sponsors.

253. The representative of the Russian Federation orally revised the draft resolution by deleting from the thirteenth preambular paragraph, after the words "the experience", "the Commission of Experts established pursuant to Security Council resolution 780 (1992) of 6 October 1992 and other".

254. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

255. The draft resolution, as orally revised, was adopted without a vote.

256. For the text as adopted, see chapter II, section A, resolution 1994/31.

257. At the same meeting, the representative of France introduced draft resolution E/CN.4/1994/L.44, sponsored by Angola, Argentina*, Australia, Austria, Belgium*, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Cyprus, the Czech Republic*, Finland, France, Germany, Hungary, Ireland*, Mauritius, Norway*, Portugal*, Romania, Rwanda*, Senegal*, Slovakia*, Sweden* and Switzerland*. Cuba, the Gambia*, Guinea-Bissau, Latvia*, Madagascar*, the Netherlands, the Philippines*, Poland, the Russian Federation, Slovakia*, Tunisia, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

258. The representative of France orally revised the draft resolution as follows:

(a) In operative paragraph 1, the words "adversarial procedure" were replaced by the words "the procedures which it has established";

(b) Operative paragraph 5 became paragraph 6, and paragraph 6 became paragraph 6;

(c) In the new operative paragraph 5, the word "also" was replaced by the words ", in this context,";

(d) In operative paragraph 16, after the words "Habeas corpus", the words "or a similar procedure" were inserted;

(e) In operative paragraph 19, after the words "its consultations to that end" the words "within the framework of its terms of reference" were inserted.

259. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

260. The draft resolution, as orally revised, was adopted without a vote.

261. For the text as adopted, see chapter II, section A, resolution 1994/32.

262. At the same meeting, the representative of Canada introduced draft resolution E/CN.4/1994/L.46, sponsored by Australia, Austria, Belgium*, Canada, Chile, Costa Rica, Cyprus, the Czech Republic*, Denmark*, France, Germany, Hungary, Ireland*, Japan, the Netherlands, Norway*, Poland, Portugal*, the Russian Federation, Sweden* and Switzerland*. Bulgaria, the Gambia*, Latvia*, Liechtenstein*, Slovakia*, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

263. The representative of Canada orally revised the draft resolution by replacing operative paragraph 10 by the following: "Expresses its concern at the number of cases of arbitrary detention ordered following the exercise of rights protected by article 19 of the International Covenant on Civil and Political Rights concerning the right to freedom of opinion and expression, as noted in the third report of the Working Group on Arbitrary Detention (E/CN.4/1994/27)".

264. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

265. The draft resolution, as orally revised, was adopted without a vote.

266. For the text as adopted, see chapter II, section A, resolution 1994/33.

267. After the vote, the representative of Malaysia made a statement in explanation of his delegation's position.

268. At the same meeting, the representative of Austria introduced draft resolution E/CN.4/1994/L.48, sponsored by Australia, Austria, Costa Rica, Denmark*, Finland, Germany, Hungary, Italy, the Netherlands, Norway* and Spain*. Belgium*, Cameroon, Canada, Cyprus, France, the Gambia*, Latvia*, New Zealand* and Sweden* subsequently joined the sponsors.

269. The draft resolution was adopted without a vote.

270. For the text as adopted, see chapter II, section A, resolution 1994/34.

271. After the vote, the representative of the United States of America made a statement in explanation of his delegation's position.

272. At the same meeting, the representative of Chile introduced draft resolution E/CN.4/1994/L.50, sponsored by Argentina*, Australia, Barbados, Bulgaria, Canada, Chile, Costa Rica, Denmark*, Ecuador, Finland, France, Hungary, Italy, Mauritius, the Netherlands, Peru, Poland, the Republic of Korea, Senegal*, Switzerland*, Uruguay and Venezuela. Belgium*, Cuba, Cyprus,

Gabon, Kuwait*, Latvia*, Nigeria, Norway*, the Philippines*, Portugal*, Sweden* and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

273. The Philippines subsequently withdrew from the list of sponsors.

274. The draft resolution was adopted without a vote.

275. For the text as adopted, see chapter II, section A, resolution 1994/35.

276. At the same meeting, the representative of Japan introduced draft decision E/CN.4/1994/L.51, sponsored by Canada, Japan and Norway*. Germany subsequently joined the sponsors.

277. The representative of the Syrian Arab Republic made a statement concerning the draft decision.

278. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft decision.

279. The draft decision was adopted without a vote.

280. For the text as adopted, see chapter II, section B, decision 1994/107.

281. In view of the adoption of decision 1994/107 (see paras. 276-280), the Commission decided to take no action on draft decision 3, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1994/2, chap. I, sect. B).

282. On 28 February 1994, draft resolution E/CN.4/1994/L.53 was submitted by the following countries: Argentina*, Belgium*, Canada, Finland, France, Germany, Hungary, Latvia*, Norway*, Poland, Portugal*, Russian Federation, Rwanda*, Senegal*, Slovenia* and Switzerland*. The draft resolution read as follows:

"Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

"The Commission on Human Rights,

"Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4 and 26 of the International Covenant on Civil and Political Rights,

"Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice, "*Bearing in mind* the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular paragraph 27 of part I and paragraphs 88, 90 and 95 of part II,

"*Recalling* its resolution 1989/32 of 6 March 1989, 1990/33 of 2 March 1990, 1991/39 of 5 March 1991, 1992/33 of 28 February 1992 and 1993/44 of 5 March 1993,

"*Recalling also* General Assembly resolution 45/166 of 18 December 1990, in which the Assembly welcomed the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and invited Governments to respect them and to take them into account within the framework of their national legislation and practice,

"*Bearing in mind* the principles contained in the draft Declaration on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1), prepared by Mr. L.M. Singhvi, the importance of which was noted by the Commission on Human Rights, in its resolution 1989/32 of 6 March 1989,

"*Noting* on the one hand the increasingly frequent attacks on their independence suffered by judges, lawyers and court officers, and on the other hand the link between the weakening of safeguards for the judiciary and the gravity of violations of human rights,

"1. *Welcomes* the final report on the independence of the judiciary and the protection of practising lawyers (E/CN.4/Sub.2/1993/25 and Add.1), prepared by Mr. Louis Joinet, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

"2. *Endorses* the recommendation of the Sub-Commission, as contained in its resolution 1993/39 of 26 August 1993, to create a monitoring mechanism to follow up the question of the independence and impartiality of the judiciary, particularly with regard to judges and lawyers, as well as court officers, and the nature of problems liable to attack this independence and impartiality;

"3. *Requests* the Chairman of the Commission to appoint, for a period of three years, after consultation with the other members of the Bureau, a special rapporteur whose mandate will consist of the following tasks:

"(a) To submit any allegations transmitted to the special rapporteur to adversarial examination;

"(b) To identify and record not only attacks on the independence of the judiciary, lawyers and court officers but also progress achieved in protecting and enhancing such independence and make proposals for technical assistance programmes and advisory services to the States concerned;

"(c) To study, in view of their topicality and importance, for the purpose of making proposals, certain questions of principle, the aim being to protect and enhance the independence of the judiciary and lawyers;

"4. Urges all Governments to assist the special rapporteur in the discharge of his or her mandate and to transmit to him or her all the information requested;

"5. Requests the special rapporteur, starting with the fifty-first session, to submit a report on the activities connected with his or her mandate;

"6. Requests the Secretary-General, within the limits of the resources of the United Nations, to provide the special rapporteur with any assistance needed for the discharge of his or her mandate;

"7. Decides to consider this question at its fifty-first session;

"8. Recommends the following draft decision to the Economic and Social Council for adoption:

'The Economic and Social Council,

'Taking note of Commission on Human Rights resolution 1994/... of ... 1994, endorses the decision of the Commission to confirm the proposal of the Sub-Commission to create a monitoring mechanism to follow up the question of the independence and impartiality of the judiciary, particularly with regard to judges and lawyers, as well as court officers, and the nature of problems liable to attack this independence and impartiality, and recommends that this take the form of a special rapporteur whose mandate will consist of the following tasks:

'(a) To submit any allegations transmitted to the special rapporteur to adversarial examination;

'(b) To identify and record not only attacks on the independence of the judiciary, lawyers and court officers but also progress achieved in protecting and enhancing such independence and make proposals for technical assistance programmes and services when they are requested by the State concerned;

'(c) To study, in view of their importance and topicality, for the purpose of making proposals, certain questions of principle, the aim being to protect and enhance the independence of the judiciary and lawyers;

> 'The Council also approves the request of the Commission to the Secretary-General to provide the special rapporteur with all the assistance necessary for the completion of his or her task.'"

283. At the 55th meeting, on 4 March 1994, the observer for Belgium introduced a revised draft resolution (E/CN.4/1994/L.53/Rev.1) with the same sponsors as draft resolution E/CN.4/1994/L.53. Angola, Armenia*, Australia, Austria, Bangladesh, Cameroon, Chile, the Czech Republic*, Denmark*, Germany, Guinea-Bissau, Ireland*, Jordan*, Luxembourg*, Madagascar*, the Netherlands, the Republic of Korea, Slovakia*, Sweden* and Uruguay subsequently joined the sponsors.

284. The representatives of India and the Syrian Arab Republic made statements concerning the draft resolution.

285. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

286. The draft resolution was adopted without a vote.

287. For the text as adopted, see chapter II, section A, resolution 1994/41.

288. In view of the adoption of resolution 1994/41 (see paras. 282-287), the Commission decided to take no action on draft resolution VI recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (E/CN.4/1994/2, chap. I, sect. A).

289. At the same meeting, the Commission considered draft resolution II recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1994/2, chap. I, sect. A).

290. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

291. The draft resolution was adopted without a vote.

292. For the text as adopted, see chapter II, section A, resolution 1994/43.

293. At the same meeting, the Commission considered draft resolution V recommended by the Sub-Commission for adoption by the Commission (E/CN.4/1994/2, chap. I, sect. A).

294. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

295. The draft resolution was adopted without a vote.

296. For the text as adopted, see chapter II, section A, resolution 1994/44.

A. Torture and other cruel, inhuman or degrading treatment or punishment

297. In relation to agenda item 10 (a), the Commission had before it the following documents:

Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/48/520);

Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1994/29 and Add.1);

Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1992/32 (E/CN.4/1994/31);

Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/18).

298. At the 26th meeting, on 16 February 1994, the Special Rapporteur on the question of torture, Mr. Nigel S. Rodley, introduced his report (E/CN.4/1994/31) to the Commission.

299. In the general debate on agenda item 10 (a), statements 3/ were made by the following countries members of the Commission: Australia (28th), Austria (32nd), Brazil (32nd), Cuba (34th), Cyprus (26th), India (29th), Indonesia (31st), Malawi (27th), Netherlands (33rd), Peru (32nd), Poland (33rd), Republic of Korea (33rd), Sri Lanka (29th), Sudan (29th), United Kingdom of Great Britain and Northern Ireland (29th).

300. The Commission also heard statements by the observers for the following countries: Czech Republic (28th), Denmark (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (27th), Egypt (32nd), Greece (on behalf of the European Union) (26th), Portugal (33rd), Senegal (27th) and Spain (32nd).

301. The observer for Switzerland made a statement (29th).

302. The Commission also heard statements by the representatives of the following non-governmental organizations: Amnesty International (29th), Andean Commission of Jurists (28th), Arab Lawyers Union (34th), Centre Europe-Tiers Monde (33rd), Commission of the Churches on International Affairs of the World Council of Churches (27th), France-Libertés: Fondation Danielle Mitterrand (26th), Human Rights Watch (33rd), Indian Institute for Non-Aligned Studies (27th), International Association against Torture (31st), International Association of Educators for World Peace (27th), International Educational Development, Inc. (33rd), International Falcon Movement (28th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (33rd), International Federation of Human Rights (26th), International Indian Treaty Council (31st), International League for the Rights and Liberation of Peoples (27th), International Movement for Fraternal Union among Races and Peoples (27th), Lawyers Committee for

Human Rights (29th), Liberation (31st), Pax Christi (32nd), Pax Romana (33rd), Service, Justice and Peace in Latin America (29th), World Movement of Mothers (27th), World Muslim Congress (33rd), World Student Christian Federation (33rd).

303. Statements in exercise of the right of reply or its equivalent were made by the representatives of India (29th, 32nd and 34th), Indonesia (33rd and 34th), and Pakistan (29th, 32nd and 34th), and the observers for Iraq (29th), Spain (29th) and Turkey (33rd).

304. At the 55th meeting, on 4 March 1994, the representative of Finland introduced draft resolution E/CN.4/1994/L.47, sponsored by Australia, Austria, Cameroon, Canada, Chile, Costa Rica, the Czech Republic*, Denmark*, Finland, France, Hungary, Iceland*, Ireland*, Italy, Latvia*, Liechtenstein*, the Netherlands, New Zealand*, Norway*, Poland, Senegal*, Spain*, Sweden*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Algeria*, Belgium*, Germany, Greece*, Japan, Luxembourg*, Nigeria, and Tunisia subsequently joined the sponsors.

305. The draft resolution was adopted without a vote.

306. For the text as adopted, see chapter II, section A, resolution 1994/36.

307. On 2 March 1994, draft resolution E/CN.4/1994/L.54 was submitted by the following countries: Argentina*, Australia, Austria, Belgium*, Burundi*, Canada, Costa Rica, Denmark*, Finland, Germany, Hungary, Ireland*, Italy, Latvia*, Liechtenstein*, Luxembourg*, Netherlands, New Zealand*, Norway*, Portugal*, Romania, Russian Federation, Rwanda*, Senegal*, Slovakia*, Slovenia*, Sweden*, Switzerland* and United Kingdom of Great Britain and Northern Ireland. The draft resolution read as follows:

"_Torture and other cruel, inhuman or degrading treatment or punishment_

"_The Commission on Human Rights_,

"_Having regard_ to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

"_Recalling_ the Declaration on the Protection of All Persons from Being Subjected to Torture or Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

"_Recalling also_ the World Conference on Human Rights and its Vienna Declaration and Programme of Action, in particular part I, paragraph 30, in which the World Conference stated that, _inter alia_, torture and other cruel, inhuman and degrading treatment or punishment constituted serious obstacles to the full enjoyment of all human rights, "_Recalling further_ part II.B.5 of the Vienna Declaration and Programme of Action concerning the eradication of torture,

"_Noting with appreciation_ that the number of States which have become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is steadily increasing,

"_Welcoming_ the establishment at the regional level, in accordance with the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment,

"_Seriously concerned_, however, about the persistence of an alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

"_Recalling_ its resolution 1985/33 of 13 March 1985, in which it decided to appoint for one year a special rapporteur to examine questions relevant to torture, and all its subsequent resolutions in which that mandate was regularly extended, most recently for another three years in resolution 1992/32 of 28 February 1992, while maintaining the annual reporting cycle,

"_Welcoming_ a continuing exchange of views between the Special Rapporteur and the Committee against Torture, established under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Working Group on Arbitrary Detention, and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as well as contacts with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture,

"_Aware_ that torture constitutes a criminal obliteration of the human personality which can never be justified under any circumstances, by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights,

"_Determined_ to promote the full implementation of the prohibition under international and national law of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

"_Convinced_ that efforts to eradicate torture should first and foremost be concentrated on prevention,

"_Noting_, in this regard, the importance of the provision of advisory services and technical assistance as forms of practical assistance to interested States with a view to enabling them to develop the necessary infrastructure to meet international human rights standards,

"_Recalling_ the Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council in its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982, and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

"Recalling also the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, approved by the General Assembly in its resolution 43/173 of 9 December 1988,

"Recalling further the conclusions and recommendations of the previous Special Rapporteur underlined in its resolutions 1987/29 of 10 March 1987, 1988/32 of 8 March 1988, 1989/33 of 6 March 1989, 1990/34 of 2 March 1990, 1991/38 of 5 March 1991, 1992/32 of 28 February 1992 and 1993/40 of 5 March 1993,

"1. Commends the Special Rapporteur on his report (E/CN.4/1994/31);

"2. Urges all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action, in particular of the section relating to freedom from torture;

"3. Stresses the recommendations of the previous Special Rapporteur, commended by the present Special Rapporteur for serious action by Governments, and in particular:

"(a) Concerning the importance of instituting a system of periodic visits by independent experts to places of detention as a highly effective preventive measure against the occurrence of torture;

"(b) That the judiciary should play an active role in guaranteeing to detainees the rights they have in accordance with international and national standards;

"(c) That the right to have access to a lawyer is one of the basic rights of a person who is deprived of his liberty and that restrictions on this right should therefore be exceptional and always subject to judicial control;

"(d) That each person should have the right to initiate promptly after his arrest proceedings before a court on the lawfulness of his detention, in conformity with the International Covenant on Civil and Political Rights;

"(e) That interrogation of detainees should take place only at official interrogation centres, that each interrogation should be duly recorded and start with the identification of all the persons present and that the blindfolding or hooding of detainees during interrogation should be absolutely forbidden;

"(f) Pertaining to the establishment at the national level of an independent authority able to receive complaints by individuals about torture or other severe maltreatment;

"4. Recalls that incommunicado detention is highly conducive to torture and that in the Special Rapporteur's view incommunicado detention should be forbidden;

"5. Recalls the recommendation of the previous Special Rapporteur that Governments and professional and medical associations should take strict measures against members of the medical profession who play a role in the practice of torture;

"6. Endorses the recommendation of the previous Special Rapporteur that those who violate article 7 of the International Covenant on Civil and Political Rights, whether by encouraging, ordering, tolerating or perpetrating prohibited acts, must be held responsible and that whenever a complaint of torture is found to be justified, the perpetrators should be severely punished, especially the official in charge of the place of detention where the torture is found to have taken place;

"7. Calls upon all States that have not yet done so to become as soon as possible parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and requests the Special Rapporteur to continue to promote universal accession to that Convention and to encourage all States to fulfil its provisions strictly;

"8. Emphasizes the importance of training programmes for law enforcement and security personnel, and draws the attention of interested Governments to the possibilities offered in this connection by the United Nations programme of advisory services in the field of human rights;

"9. Encourages the Special Rapporteur to make appropriate recommendations concerning situations in which advisory services to judicial, law enforcement, detention and other authorities might assist interested Governments in combating the occurrence of torture;

"10. Urges the Secretary-General to make available, as part of the United Nations programme of advisory services in the field of human rights, qualified experts in law enforcement, detention and medicine to assist Governments, at their request, in their efforts to prevent the occurrence of torture;

"11. Decides that the Special Rapporteur, in carrying out his mandate, shall continue to seek and receive credible and reliable information from Governments, the specialized agencies and intergovernmental and non-governmental organizations;

"12. Approves the methods of work employed by the Special Rapporteur, in particular as regards urgent appeals;

"13. Considers it desirable that the Special Rapporteur should continue to have a further exchange of views with the various mechanisms and bodies entrusted with the task of combating torture, in particular with a view to enhancing further their effectiveness and mutual cooperation, and that he should pursue cooperation with relevant United Nations programmes notably that on crime prevention and criminal justice;

"14. Invites the Special Rapporteur, in carrying out his mandate, to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him and to carry out his work with discretion;

"15. Appeals to all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to supply all information requested, including by reacting properly to his urgent appeals;

"16. Urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer expeditiously;

"17. Regrets that in the past year no Government has invited the Special Rapporteur to visit its country;

"18. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

"19. Calls upon the Special Rapporteur to continue to include information in his report on the follow-up by Governments to his recommendations, visits and communications;

"20. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to cover all of his activities in order to enable him to submit his report to the Commission at its fifty-first session."

308. At the 55th meeting, on 4 March 1994, the observer for Belgium submitted a revised draft resolution E/CN.4/1994/L.54/Rev.1, sponsored by Argentina*, Armenia*, Australia, Austria, Belgium*, Burundi*, Cameroon, Canada, Costa Rica, the Czech Republic*, Denmark*, Finland, Germany, Greece*, Hungary, Ireland*, Italy, Latvia*, Liechtenstein*, Luxembourg*, Malta*, the Netherlands, New Zealand*, Norway*, Portugal*, Romania, the Russian Federation, Rwanda*, Senegal*, Slovakia*, Slovenia*, Sweden*, Switzerland*, Ukraine* and the United Kingdom of Great Britain and Northern Ireland. Cyprus, Poland and the United States of America subsequently joined the sponsors.

309. The draft resolution was adopted without a vote.

310. For the text as adopted, see chapter II, section A, resolution 1994/37.

B. Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

311. In relation to agenda item 10 (b), the Commission had before it the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1994/28).

312. In the general debate on agenda item 10 (b), statements 3/ were made by the following countries members of the Commission: Austria (32nd), China (29th), Cyprus (26th), Malawi (27th) and Sri Lanka (29th).

313. The Commission also heard statements by the observers for the following countries: Algeria (33rd), Czech Republic (28th), Denmark (on behalf of Denmark, Iceland, Finland, Norway and Sweden) (28th), Greece (on behalf of the European Union) (26th), Senegal (27th) and Spain (32nd).

314. The Commission also heard statements by the representatives of the following non-governmental organizations: Women's International League for Peace and Freedom (34th) and World Organization against Torture (26th).

315. The observer for Spain made a statement equivalent to the right of reply (29th).

316. At the 55th meeting, on 4 March 1994, the representative of Finland introduced draft resolution E/CN.4/1994/L.49, sponsored by Australia, Austria, Bulgaria, Cameroon, Canada, Chile, Costa Rica, the Czech Republic*, Denmark*, Finland, France, Greece*, Hungary, Ireland*, Italy, Latvia*, Liechtenstein*, the Netherlands, New Zealand*, Norway*, Peru, Poland, Portugal*, the Russian Federation, Senegal*, Slovakia*, Spain*, Sweden*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Côte d'Ivoire, Germany, Guinea-Bissau, Luxembourg*, Mexico, and Panama* subsequently joined the sponsors.

317. The draft resolution was adopted without a vote.

318. For the text as adopted, see chapter II, section A, resolution 1994/38.

C. Question of enforced or involuntary disappearances

319. In relation to agenda item 10 (c), the Commission had before it the following documents:

Report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26 and Corr.1 and 2);

Report on the visit to the former Yugoslavia by a member of the Working Group on Enforced or Involuntary Disappearances at the request of the Special Rapporteur on the situation of human rights in the former Yugoslavia (E/CN.4/1994/26/Add.1);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/25).

320. At the 26th meeting, on 16 February 1994, the Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Mr. Ivan Tosevski, introduced the report of the Working Group to the Commission (E/CN.4/1994/26 and Corr.1 and 2).

321. In the general debate on agenda item 10 (c), statements 3/ were made by the following members of the Commission: Australia (28th), Austria (32nd), Cuba (34th), Cyprus (26th), India (29th), Indonesia (31st), Malawi (27th), Netherlands (33rd), Peru (32nd), Poland (33rd), Republic of Korea (33rd), Sri Lanka (29th) and United Kingdom of Great Britain and Northern Ireland (29th).

322. The Commission also heard statements by the observers for the following countries: Croatia (32nd), Nicaragua (26th), Norway (32nd) and Portugal (33rd).

323. The observer for Switzerland made a statement (29th).

324. The Commission also heard statements by the representatives of the following non-governmental organizations: Amnesty International (29th), Andean Commission of Jurists (28th), Arab Lawyers Union (34th), Arab Organization for Human Rights (27th), Commission for the Defence of Human Rights in Central America (33rd), Commission of the Churches on International Affairs of the World Council of Churches (27th), France-Libertés: Fondation Danielle Mitterrand (26th), Indian Institute for Non-Aligned Studies (27th), International Association against Torture (31st), International Educational Development, Inc. (33rd), International Indian Treaty Council (31st), International Organization for the Elimination of All Forms of Racial Discrimination (32nd), Latin American Federation of Associations of Relatives of Disappeared Detainees (32nd), Liberation (31st), Service, Justice and Peace in Latin America (29th), Women's International League for Peace and Freedom (34th), World Muslim Congress (33rd) and World Society of Victimology (26th).

325. Statements in exercise of the right of reply or its equivalent were made by the representatives of India (32nd and 34th), Indonesia (33rd and 34th) and Pakistan (29th, 32nd and 34th) and the observer for Morocco (34th).

326. On 24 February 1994, the observer for Croatia submitted a draft resolution (E/CN.4/1994/L.29); Bosnia and Herzegovina* and Slovakia* subsequently joined the sponsor. The draft resolution read as follows:

"Problem of missing persons in the territory of the former Yugoslavia

"The Commission on Human Rights,

"Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the Geneva Conventions of 12 August 1949 for the protection of war victims and the Additional Protocols thereto of 1977, as well as other relevant documents and resolutions of the General Assembly and the Security Council,

"_Recalling_ General Assembly resolution 47/133 of 18 December 1992, in which the General Assembly proclaimed the Declaration on the Protection of All Persons from Enforced Disappearance,

"_Recalling also_ its resolution 1993/7 in which it specifically requested the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, in consultation with the Working Group on Enforced or Involuntary Disappearances and the International Committee of the Red Cross, to develop proposals for a mechanism to address the subject of disappearances in the former Yugoslavia,

"_Deeply disturbed_ at the huge number of missing persons still unaccounted for in the conflict in the former Yugoslavia, particularly in the Republic of Bosnia and Herzegovina and the Republic of Croatia,

"_Aware_ of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all,

"_Expressing_ its deepest sympathy to the families of missing persons in the territory of the former Yugoslavia while reaffirming its readiness to undertake all necessary measures with a view to expediting the search for their next of kin,

"_Having considered_ the report on the visit to the former Yugoslavia by a member of the Working Group on Enforced or Involuntary Disappearances undertaken at the request of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1994/26/Add.1) and the valuable proposals contained therein,

"_Stressing_ that the basic objective of the 'special process' for dealing with the problem of missing persons in the territory of the former Yugoslavia proposed in the report should be to provide their relatives and families with information on their fate,

"1. _Endorses_ the conclusions and recommendations contained in the report of a member of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26/Add.1) and decides to establish the proposed 'special process' as the joint mandate of the Special Rapporteur on the situation of human rights in the former Yugoslavia and one member of the Working Group on Enforced or Involuntary Disappearances;

"2. _Expresses its full support_ for the recommendation that the 'special process' should be strictly humanitarian and rely on a pragmatic approach with a view to securing maximum efficiency and maximum cooperation of all parties in the search for missing persons in the territory of the former Yugoslavia;

"3. Considers that the 'special process' should be enabled to make direct contact with the parties concerned and on-the-spot investigations which are necessary to promote the search for missing persons;

"4. Requests the Secretary-General to provide the 'special process' with the necessary experienced personnel, equipment and financial resources from the regular budget of the United Nations, if necessary by soliciting contributions for this humanitarian cause from interested Governments and other organizations, and requests the Working Group on Enforced or Involuntary Disappearances to proceed immediately, through appropriate inter-sessional consultations, to designate one of its members for this purpose;

"5. Stresses the urgency of establishing this special mechanism in order that all the requests to search for missing persons which have already been processed by the Working Group on Enforced or Involuntary Disappearances can immediately be presented to the parties concerned;

"6. Invites the Governments concerned, other interested parties and those in a position to help, including the International Committee of the Red Cross to cooperate fully and constructively with the 'special process' so as to enable it to discharge its functions efficiently and thus to alleviate the pain and suffering of many relatives of disappeared persons;

"7. Requests the Special Rapporteur on the situation of human rights in the former Yugoslavia and the designated member of the Working Group on Enforced or Involuntary Disappearances to keep the families and relatives of missing persons informed of the results of their investigations and to submit joint annual reports to the Commission on Human Rights which would include, as appropriate, identification of obstacles and impediments affecting their work."

327. At the 55th meeting, on 4 March 1994, no member having requested a vote on draft resolution E/CN.4/1994/L.29, in accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission did not put the draft resolution to the vote.

328. At the same meeting, the representative of France introduced draft resolution E/CN.4/1994/L.45, sponsored by Argentina*, Australia, Austria, Belgium*, Bulgaria, Cameroon, Chile, Costa Rica, Denmark*, Finland, France, Hungary, Ireland*, Italy, Luxembourg*, Mauritius, New Zealand*, Norway*, Poland, Romania, the Russian Federation, Rwanda*, Senegal*, Slovakia*, Spain*, Sweden* and Switzerland*. Canada, Cyprus, the Czech Republic*, Guinea-Bissau, Latvia*, Madagascar*, the Netherlands, Portugal* and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

329. The representative of France orally revised the draft resolution as follows:

(a) In the sixth preambular paragraph, after the words "Working Group, the" the words "legislation, policy and" were deleted;

(b) In the same paragraph, the words "many States" were replaced by the words "a number of States can";

(c) In the penultimate preambular paragraph, the word "establishment" was replaced by the word "compilation";

(d) In the same paragraph, the word "preliminary" was added before the word "list";

(e) In operative paragraphs 11 and 12, the words "the Governments concerned" were replaced by the word "Governments";

(f) In operative paragraph 17, the words "pursuant to" were replaced by the words "in the exercise of";

(g) In operative paragraph 18, the words "to assess the practice of States in the light of the Declaration" after the words "the Working Group" were deleted;

(h) In operative paragraph 21, after the words "habeas corpus", the words "or a similar procedure" were added;

(i) In operative paragraph 23, the word "Endorses" was replaced by the words "Takes note with interest of".

330. The draft resolution, as orally revised, was adopted without a vote.

331. For the text as adopted, see chapter II, section A, resolution 1994/39.

D. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

332. In relation to agenda item 10 (d), the Commission had before it the report of the Working Group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1994/25 and Add.1).

333. At the 26th meeting, on 16 February 1994, the Chairman-Rapporteur of the Working Group, Mr. Jorge Rhenán Segura, introduced the report of the Working Group on the draft protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

334. In the general debate on agenda item 10 (d), statements 3/ were made by the following members of the Commission: Australia (28th), Austria (32nd), Brazil (32nd), Chile (31st), Costa Rica (29th), Cyprus (26th), Malawi (27th).

335. The Commission also heard a statement by the observer for Senegal (27th).

336. The Commission also heard statements by the representatives of the following non-governmental organizations: Service, Justice and Peace in Latin America (29th), World Organization against Torture (27th).

337. At the 55th meeting, on 4 March 1994, the representative of Costa Rica introduced draft resolution E/CN.4/1994/L.52, sponsored by Argentina*, Australia, Austria, Barbados, Belgium*, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, the Czech Republic*, Denmark*, Ecuador, El Salvador*, Finland, France, Germany, Greece*, Guatemala*, Hungary, Italy, Latvia*, Liechtenstein*, Luxembourg*, Madagascar*, the Netherlands, Norway*, Peru, Poland, Portugal*, Romania, the Russian Federation, Senegal*, Slovakia*, Slovenia*, Spain*, Sweden*, Switzerland*, Uruguay and Venezuela. Cuba, Cyprus, Malta*, Panama*, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

338. The draft resolution was adopted without a vote.

339. For the text as adopted, see chapter II, section A, resolution 1994/40.

XI. FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION: (a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; (b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS; (c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS; (d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS; (e) INTERNATIONAL YEAR OF THE FAMILY

340. The Commission considered agenda item 11 and its sub-items (a), (b), (c), (d) and (e) at its 34th meeting, on 22 February, its 38th to 40th meetings, on 24 February, its 42nd to 48th meetings, on 25 and 28 February and 1 March, its 56th meeting, on 4 March, and its 64th meeting, on 9 March 1994. 1/

A. Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

341. In relation to agenda item 11 (a), the Commission had before it the following documents:

Report of the Secretary-General, prepared pursuant to Commission resolution 1993/46, on alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms (E/CN.4/1994/34);

Note by the Secretariat (E/CN.4/1994/35);

Report of the Secretary-General on development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights (E/CN.4/1994/36 and Add.1);

Note by the Secretariat on discrimination against HIV-infected people or people with AIDS (E/CN.4/1994/37);

Report of the Secretary-General on civil defence forces, submitted pursuant to Commission on Human Rights resolution 1993/54 (E/CN.4/1994/38);

Report of the Secretary-General on action taken in relation to the declaration of a decade for human rights education (E/CN.4/1994/39);

Report of the Secretary-General on regional arrangements for the promotion and protection of human rights in the Asia and Pacific region, submitted in accordance with Commission on Human Rights resolution 1993/57 (E/CN.4/1994/40);

Report of the Secretary-General on strengthening of United Nations action in the field of human rights through the promotion of international cooperation, and the importance of non-selectivity, impartiality and objectivity (E/CN.4/1994/41);

Report of the Secretary-General on effective functioning of the various mechanisms established for supervision, investigation and monitoring of the implementation of the treaty obligations entered into by States in regard to human rights and of the existing international standards in this regard (E/CN.4/1994/42);

Report of the Secretary-General on human rights and mass exoduses (E/CN.4/1994/43 and Add.1);

Report of the representative of the Secretary-General, Mr. Francis Deng, on internally displaced persons, submitted pursuant to Commission on Human Rights resolution 1993/95 (E/CN.4/1994/44 and Add.1);

Report of the Secretary-General on the strengthening of the Centre for Human Rights of the Secretariat (E/CN.4/1994/74);

Written statements submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/2 and E/CN.4/1994/NGO/3);

Joint statement submitted by Caritas Internationalis, Commission of the Churches on International Affairs of the World Council of Churches and Friends World Committee for Consultation, non-governmental organizations in consultative status (category II) (E/CN.4/1994/NGO/4);

Written statement submitted by: the International Council of Women, the International Movement ATD Fourth World, the International Social Security Association, the Soroptimist International Association, Zonta International, non-governmental organizations in consultative status (category I); Caritas Internationalis, the International Abolitionist Federation, the International Catholic Child Bureau, the International Council of Jewish Women, the International Federation of Women in Legal Careers, the International Federation Terre des Hommes, the International Fellowship of Reconciliation, Pax Christi International, Pax Romana, the World Federalist Movement, the World Federation of Methodist Women, the World Movement of Mothers, the World Union of Catholic Women's Organizations, non-governmental organizations in consultative status (category II); the Centre Europe-Tiers Monde, the International Association of Charities, the International Federation of Rural Adult Catholic Movements, the Movement against Racism and for Friendship among Peoples, the World Christian Life Community, non-governmental organizations on the Roster (E/CN.4/1994/NGO/38);

Written statement submitted by Centre Europe-Tiers Monde, a non-governmental organization on the Roster (E/CN.4/1994/NGO/45);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/46).

342. In the general debate on agenda item 11 (a), statements 3/ were made by the following members of the Commission: Austria (38th and 43rd), Brazil (34th), Canada (38th), Chile (42nd and 48th), China (38th), Colombia (38th), Costa Rica (45th), Cuba (48th), Ecuador (46th),

Germany (38th and 46th), India (43rd and 48th), Iran (Islamic Republic of) (43rd), Italy (38th), Japan (38th), Kenya (42nd), Libyan Arab Jamahiriya (45th), Netherlands (45th), Pakistan (46th), Peru (45th), Poland (43rd), Republic of Korea (45th), Russian Federation (45th), United States of America (34th and 47th).

343. The Commission also heard statements by the observers for El Salvador (40th), Iraq (44th), New Zealand (44th), Portugal (47th), Switzerland (47th), Turkey (47th) and Ukraine (47th).

344. The Commission also heard statements by the following non-governmental organizations: All India Women's Conference (45th), American Association of Jurists (40th), Andean Commission of Jurists (44th), Commission for the Defence of Human Rights in Central America (48th), Human Rights Advocates (39th), Human Rights Watch (40th), Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (45th), International Association against Torture (40th), International Association of Educators for World Peace (40th), International Committee of the Red Cross (47th), International Falcon Movement (44th), International Human Rights Law Group (39th), International Movement against All Forms of Discrimination and Racism (44th), International Organization for the Development of Freedom of Education (40th), Liberation (40th), Third World Movement against the Exploitation of Women (39th), Women's International League for Peace and Freedom (45th), World Association for the School as an Instrument of Peace (45th), World Muslim Congress (45th).

345. The Commission also heard a statement by the representative of the United Nations Development Fund for Women (39th).

346. Statements in exercise of the right of reply were made by the representatives of Cuba (38th) and the Libyan Arab Jamahiriya (48th).

347. At its 56th meeting, on 4 March 1994, the Commission took up consideration of the draft resolutions submitted under agenda item 11.

348. On 21 February 1994, a draft resolution (E/CN.4/1994/L.8) had been submitted by the following countries: Argentina*, Australia, Austria, Barbados, Bulgaria, Canada, Chile, Colombia, Costa Rica, Denmark*, Finland, Germany, Kenya, Madagascar*, Netherlands, New Zealand*, Norway*, Peru, Poland, Sweden*, Switzerland*. The draft resolution read as follows:

"Integrating the rights of women into the human rights mechanisms of the United Nations

The Commission on Human Rights,

"Recalling its resolution 1993/46 on integrating the rights of women into the human rights mechanisms of the United Nations, in which it decided to consider the appointment of a special rapporteur on violence against women at its fiftieth session, "Also recalling that the World Conference on Human Rights welcomed the decision of the Commission on Human Rights to consider the appointment of the Special Rapporteur on violence against women at its fiftieth session,

"Welcoming the adoption by the General Assembly in its resolution 48/104 of 20 December 1993 of the Declaration on the Elimination of Violence Against Women, which recognizes that violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, and expresses concern about the long-standing failure to protect and promote these rights and freedoms in relation to violence against women,

"Deeply concerned at continuing and endemic violence against women, and noting that the Declaration on the Elimination of Violence Against Women sets out various forms of physical, sexual and psychological violence against women,

"Mindful that the Vienna Declaration and Programme of Action affirmed that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated,

"Alarmed by the marked increase in acts of sexual violence directed notably against women and children, as expressed in the Final Declaration of the International Conference for the Protection of War Victims (Geneva, 30 August - 1 September 1993), and reiterating that such acts constitute grave breaches of international humanitarian law,

"Recalling the inclusion of rape in the mandate of the international war crimes tribunal established to prosecute serious violations of international humanitarian law, including war crimes and crimes against humanity,

"Bearing in mind that the Vienna Declaration and Programme of Action calls for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity, stresses the importance of working towards the elimination of violence against women in public and private life and urges the eradication of all forms of discrimination against women,

"Recalling the outcome of the World Conference on Human Rights as reflected in the Vienna Declaration and Programme of Action, which affirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and that the full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community, "*Also recalling* that the Vienna Declaration and Programme of Action affirmed that the human rights of women should form an integral part of United Nations human rights activities, including the promotion of all human rights instruments as they relate to women, and urged Governments, institutions, intergovernmental and non-governmental organizations to intensify their efforts for the protection and promotion of the human rights of women and the girl child,

"*Bearing in mind* that the Programme of Action for the equal status and human rights of women adopted in the Vienna Declaration sets out a series of measures to be taken to further the full and equal enjoyment by women of all human rights as a priority for Governments and the United Nations, and recognizing the importance of the integration and the full participation of women as both agents and beneficiaries in the development process,

"*Welcoming* the report of the Secretary-General (E/CN.4/1994/34) submitted in response to the request contained in resolution 1993/46 to consult with all United Nations human rights bodies, including the treaty bodies, on the implementation of the resolution and in particular the action taken to create a focal point in the Centre for Human Rights for the human rights of women,

"*Considering* that the Vienna Declaration and Programme of Action called on the United Nations to encourage the goal of universal ratification by all States of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000 and to avoid, as far as possible, the resort to reservations,

"*Reaffirming* that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments,

"*Looking forward* to the Fourth World Conference on Women: Action for Equality, Development and Peace to be held in Beijing in 1995, and urging that human rights of women should play an important role in its deliberations,

"*Recognizing* the important role of the women's movement and of non-governmental organizations in promoting the human rights of women,

"1. *Condemns* all acts of gender-based violence and other violations of the human rights of women;

"2. *Calls* for the elimination of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the

State or by private persons, and to provide access to just and effective remedies and specialized assistance to victims in accordance with the Declaration on the Elimination of Violence against Women;

"3. Condemns all violations of the human rights of women in situations of armed conflict, recognizes them to be violations of international human rights and humanitarian law, and calls for a particularly effective response to violations of this kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy;

"4. Calls for the elimination of violence against women in public and private life, of all forms of sexual harassment, exploitation and trafficking in women, the elimination of gender bias in the administration of justice and the eradication of the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism;

"5. Urges Governments to intensify their efforts to promote and protect the human rights of women and eliminate violence against women, in accordance with the Vienna Declaration and Programme of Action and the Declaration on the Elimination of Violence against Women, through the adoption of all appropriate means and measures, at the national, regional and international levels;

"6. Decides to appoint, for a three-year period, a special rapporteur on violence against women, including its causes and its consequences, who will report to the Commission on an annual basis beginning at its fifty-first session;

"7. Invites the Special Rapporteur, in carrying out this mandate, and within the framework of the Universal Declaration of Human Rights and all other international human rights instruments including the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women, to:

"(a) Seek and receive information on violence, its causes and its consequences from Governments, treaty bodies, specialized agencies, other special rapporteurs responsible for various human rights questions and intergovernmental and non-governmental organizations, including women's groups, and to respond effectively to such information;

"(b) Recommend measures, ways and means, at the national, regional and international levels, to eliminate violence against women and its causes, and to remedy its consequences;

"(c) Work closely with other special rapporteurs, special representatives, working groups and independent experts of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities and with the treaty bodies, taking into account the Commission's request that they regularly and systematically include in their reports available information on human rights violations affecting women, and cooperate closely with the Commission on the Status of Women in the discharge of its functions;

"8. Requests the Chairman of the Commission, after consultation with the other members of the Bureau, to appoint as Special Rapporteur an individual of recognized international standing and experience in addressing the human rights of women;

"9. Requests all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated and to furnish all information requested;

"10. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

"11. Also requests the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women to assist in the Commission's work in the area of violence against women;

"12. Calls for intensified effort at the international level to integrate the equal status of women and the human rights of women into the mainstream of United Nations system-wide activity and to address these issues regularly and systematically throughout relevant United Nations bodies and mechanisms;

"13. Encourages further integration of objectives and goals between the Commission on Human Rights, the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women and other treaty bodies, the United Nations Development Fund for Women, the United Nations Development Programme and other United Nations agencies, and calls for closer cooperation and coordination between the Centre for Human Rights and the Division for the Advancement of Women;

"14. Renews its call to Governments to include gender-disaggregated data, including information on the de jure and de facto situation of women, in the information they provide to special rapporteurs, treaty bodies and to all other United Nations bodies and mechanisms concerned with human rights, and notes that the Vienna Declaration and Programme of Action calls on all special rapporteurs, working groups, the treaty bodies and other mechanisms of the Commission and the Sub-Commission to make use of such data in their deliberations and findings;

"15. Renews its request to the Secretariat to ensure that special rapporteurs, experts, working groups, treaty bodies and other mechanisms of the Commission and the Sub-Commission are fully apprised of the particular human rights violations suffered by women, and noting in view of the fact that the Vienna Declaration and Programme of Action encourages training for United Nations human rights and humanitarian relief personnel to assist them to recognize and deal with the human rights violations particular to women and to carry out their work without gender bias, and requests the Centre for Human Rights to take action in this regard;

"16. Requests all special rapporteurs, experts, working groups, treaty bodies, and other mechanisms of the Commission and the Sub-Commission, in the discharge of their mandates, regularly and systematically to include in their reports available information on human rights violations against women;

"17. Requests Governments and the United Nations to include in their human rights education activities information on the human rights of women;

"18. Decides to continue its consideration of the question as a matter of high priority at its fifty-first session;

"19. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of the Commission on Human Rights resolution 1994/* of ____________, approves:

"(a) The Commission's decision to appoint a special rapporteur on violence against women, including its causes and its consequences;

"(b) The Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular, the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

"(c) The Commission's request to the Special Rapporteur to report to the Commission on an annual basis, beginning at its fifty-first session."

349. At the 56th meeting, on 4 March 1994, the representative of Canada introduced a revised draft resolution, E/CN.4/1994/L.8/Rev.1, sponsored by the same States as draft resolution E/CN.4/1994/L.8, and also by Belgium*, Brazil, Cameroon, Côte d'Ivoire, Cuba, the Czech Republic*, Ecuador, France, Honduras*, Hungary, Ireland*, Jordan*, Liechtenstein*, Morocco*, Nigeria, the Philippines*, Senegal*, Sri Lanka, Thailand*, Tunisia, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela. Subsequently, the Gambia*, Guatemala*, India, Indonesia, Italy, Latvia*, Lesotho, Luxembourg*, Malawi, Malta*, Mauritius, Portugal*, the Republic of Korea, Romania, Slovakia* and Turkey* joined the sponsors.

350. The representative of Canada orally revised the draft resolution as follows:

(a) At the beginning of the title, the words "The question of" were inserted;

(b) At the end of the title, the words "and the elimination of violence against women" were inserted;

(c) In the sixth preambular paragraph, the word "may" before the word "constitute" was deleted;

(d) In operative paragraph 7 (a), the words "against women" were inserted after the words "on violence".

351. Statements in connection with the draft resolution were made by the representatives of Cuba and India.

352. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

353. The draft resolution, as orally revised, was adopted without a vote.

354. For the text as adopted, see chapter II, section A, resolution 1994/45.

355. On 25 February 1994, a draft resolution (E/CN.4/1994/L.39) was submitted by Afghanistan*, Algeria*, Argentina*, Azerbaijan*, Brazil, Cameroon, Colombia, Cuba, the Czech Republic*, Guatemala*, Nicaragua*, Peru, the Philippines*, Spain*, Sri Lanka, Turkey*, Uruguay and Venezuela. The draft resolution read as follows:

"Human rights and terrorism

"The Commission on Human Rights,

"Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

"Bearing in mind that the most essential and basic human right is the right to life,

"Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights,

"Recalling also General Assembly resolution 48/122 of 20 December 1993, its own resolution 1993/48 of 9 March 1993 and resolutions 1993/13 of 20 August 1993 and 1993/23 of 23 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, "Reiterating that all Member States have an obligation to promote and protect human rights and fundamental freedoms, and also that every individual should strive to secure their universal and effective recognition and observance,

"Deeply concerned at the gross violations of human rights perpetrated by terrorist groups,

"Profoundly deploring the increasing number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

"1. Reiterating the unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomever committed, as aggression aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences on the economic and social development of States;

"2. Calls upon States to take all necessary and effective measures, in conformity with international standards of human rights, to prevent, combat and eliminate terrorism, and urges the international community to enhance cooperation in the fight against terrorism at the national, regional and international levels;

"3. Requests the Secretary-General to continue collecting information on this question from all relevant sources and to make it available to the special rapporteurs and working groups concerned for their consideration;

"4. Urges all thematic special rapporteurs and working groups to address comprehensively the consequences of the acts, methods and practices of terrorist groups in their forthcoming reports to the Commission;

"5. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake as soon as possible a study on the question of terrorism and human rights;

"6. Decides to continue its consideration of the question as a matter of priority at its fifty-first session."

356. At the 56th meeting, on 4 March 1994, the representative of Peru introduced revised draft resolution E/CN.4/1994/L.39/Rev.1, with the same sponsors as draft resolution E/CN.4/1994/L.39. The Czech Republic*, Ecuador, India, the Islamic Republic of Iran, Panama* and Paraguay* subsequently joined the sponsors.

357. The representative of Finland made a statement on the draft resolution.

358. The draft resolution was adopted without a vote.

359. At the 68th meeting, on 10 March 1994, the representatives of Germany, Pakistan, the Syrian Arab Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America made statements explaining their delegations' positions.

360. For the text as adopted, see chapter II, section A, resolution 1994/46.

361. At the 56th meeting, on 4 March 1994, the representative of Cuba introduced draft resolution E/CN.4/1994/L.57, sponsored by Cuba. China, Ghana* and the Sudan subsequently joined the sponsor.

362. The representative of Cuba orally revised the draft resolution as follows:

(a) In operative paragraph 1, the word "condemn" was replaced by the word "reject" and the word "coercive" was replaced by the word "economic";

(b) In the same paragraph, after the words "unilateral economic measures", the words "which are in clear contradiction with international law" were inserted;

(c) In operative paragraph 2, after the words "developing countries", the words "which are in clear contradiction with international law" were inserted;

(d) In operative paragraph 4, after the words "developing countries" the words "which are in clear contradiction with international law" were inserted;

(e) Operative paragraph 5 was deleted;

(f) The subsequent paragraphs were renumbered accordingly.

363. The representative of the United States of America made a statement on the draft resolution.

364. At the request of the representative of the United States of America, the draft resolution was put to a vote.

365. At the request of the representative of Cuba, the vote was taken by roll-call.

366. The draft resolution, as orally revised, was adopted by 23 votes to 18, with 12 abstentions. The voting was as follows:

In favour: Angola, Brazil, Chile, China, Colombia, Costa Rica, Cuba, Ecuador, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Mexico, Nigeria, Pakistan, Peru, Sri Lanka, Sudan, Syrian Arab Republic, Uruguay, Venezuela.

Against: Australia, Austria, Bulgaria, Canada, Finland, France, Germany, Hungary, Italy, Japan, Mauritius, Netherlands, Poland, Republic of Korea, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bangladesh, Barbados, Cameroon, Côte d'Ivoire, Cyprus, Gabon, Kenya, Lesotho, Malawi, Mauritania, Togo, Tunisia.

367. At its 68th meeting, on 10 March 1994, the representative of the United States of America made a statement in explanation of vote after the vote.

368. For the text as adopted, see chapter II, section A, resolution 1994/47.

369. At the same meeting, the representative of Indonesia introduced draft resolution E/CN.4/1994/L.59, sponsored by Australia, China, Indonesia, Japan, New Zealand*, the Philippines*, the Republic of Korea, Sri Lanka and Thailand*. Bangladesh and the Islamic Republic of Iran subsequently joined the sponsors.

370. The representative of the United States of America made a statement on the draft resolution.

371. At the request of the representative of the United States of America, the draft resolution was put to a vote.

372. At the request of the representative of China, the vote was taken by roll-call.

373. The draft resolution was adopted by 45 votes to 1, with 7 abstentions. The voting was as follows:

In favour: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, Uruguay, Venezuela.

Against: United States of America.

Abstaining: Germany, Hungary, Italy, Lesotho, Malawi, Netherlands, United Kingdom of Great Britain and Northern Ireland.

374. For the text as adopted, see chapter II, section A, resolution 1994/48.

375. At the same meeting, the representative of Poland introduced draft resolution E/CN.4/1994/L.60, sponsored by Australia, Austria, Bulgaria, Cameroon, Canada, Costa Rica, the Czech Republic*, Finland, Germany, Latvia*,

Madagascar*, the Netherlands, Norway*, Poland, the Russian Federation, Slovakia* and Sweden*. Chile, Colombia, Denmark*, Greece*, Portugal*, Romania, the United States of America and Uruguay subsequently joined the sponsors.

376. The representative of the Syrian Arab Republic made a statement in explanation of his delegation's position.

377. The draft resolution was adopted without a vote.

378. For the text as adopted, see chapter II, section A, resolution 1994/49.

379. At the same meeting, the representative of Brazil introduced draft resolution E/CN.4/1994/L.62, sponsored by Argentina*, Australia, Austria, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, the Czech Republic*, France, Germany, Guatemala*, Japan, Jordan*, Kenya, Malawi, Nicaragua*, Peru, the Philippines*, Poland, the Republic of Korea, Romania, the Russian Federation, Senegal*, Ukraine*, Uruguay and Venezuela. Denmark*, Greece*, Madagascar*, Nepal*, Portugal*, Tunisia and Turkey* subsequently joined the sponsors.

380. The draft resolution was adopted without a vote.

381. For the text as adopted see chapter II, section A, resolution 1994/50.

382. At the same meeting, the representative of Costa Rica introduced draft resolution E/CN.4/1994/L.64, sponsored by Argentina*, Bolivia*, Cameroon, Chile, Costa Rica, Côte d'Ivoire, Ecuador, El Salvador*, Guatemala*, Honduras*, Jordan*, Malawi, Mauritius, Nicaragua*, Nigeria, Peru, the Philippines*, Poland, Portugal*, Romania, Senegal*, Uruguay and Venezuela. Algeria*, Gabon, Greece*, Mongolia*, the Netherlands, Norway* and Tunisia subsequently joined the sponsors.

383. The representative of Costa Rica orally revised the draft resolution as follows:

(a) In the eighth preambular paragraph, replace the words "a democratic society" were replaced by the words "all societies";

(b) In operative paragraph 1, the word "Requests" was replaced by the words "Requests the Economic and Social Council to request";

(c) In operative paragraph 4, the word "peoples" was replaced by the word "populations";

(d) In operative paragraph 6, in the Spanish text only, replace the words "Comité de Discriminación contra la Mujer" by the correct title "Comité para la Eliminación de la Discriminación contra la Mujer";

(e) Operative paragraph 11, which read: "Decides to include in the agenda of its fifty-first session an item entitled 'Decade for human rights education'" was replaced.

384. The representative of the Russian Federation made a statement on the draft resolution.

385. The draft resolution, as orally revised, was adopted without a vote.

386. At the 68th meeting, on 10 March 1994, the representative of the United States of America made a statement explaining his delegation's position.

387. For the text as adopted, see chapter II, section A, resolution 1994/51.

388. At the 56th meeting, on 4 March 1994, the observer for the Czech Republic introduced draft resolution E/CN.4/1994/L.66, sponsored by Argentina*, Australia, Austria, Belgium*, Brazil, Bulgaria, Canada, Costa Rica, the Czech Republic*, Denmark*, Finland, Germany, Greece*, Hungary, Latvia*, Mexico, the Netherlands, New Zealand*, Norway*, Peru, Poland, Portugal*, the Republic of Korea, Romania, the Russian Federation, Slovakia*, Sweden*, Switzerland*, and the United Kingdom of Great Britain and Northern Ireland. Cameroon, Cyprus, Jordan*, the United States of America and Uruguay subsequently joined the sponsors.

389. The observer for the Czech Republic orally revised the draft resolution as follows:

(a) In operative paragraph 7, the words "the thematic procedures to continue their cooperation with non-governmental organizations" were replaced by the words "non-governmental organizations to continue their cooperation with the thematic procedures";

(b) In operative paragraph 8, the word "prevention" was replaced by the word "avoidance";

(c) Also in operative paragraph 8, after the words "human rights violations", the words "and, where appropriate, to draw on the expertise of non-governmental organizations in the field" were deleted;

(d) In operative paragraph 13, the words "so that their implementation may be the subject of specific discussion at subsequent sessions of the Commission" were replaced by the words "so as to enable further discussion of their implementation at subsequent sessions of the Commission".

390. The draft resolution, as orally revised, was adopted without a vote.

391. For the text as adopted, see chapter II, section A, resolution 1994/53.

392. At the 64th meeting, on 9 March 1994, the representative of Poland introduced draft resolution E/CN.4/1994/L.71, sponsored by Chile, Costa Rica, the Czech Republic*, Latvia*, Madagascar*, the Netherlands, Poland and Slovakia*. Cyprus subsequently joined the sponsors.

393. The representative of Poland orally revised the draft resolution as follows:

(a) In operative paragraph 2, the words ", where appropriate," were inserted after the words "Governments establish";

(b) In the same paragraph, the words ", within the framework of domestic law," were inserted after the words "requirements for them,".

394. The draft resolution, as orally revised, was adopted without a vote

395. For the text as adopted, see chapter II, section A, resolution 1994/67.

396. On 2 March 1994, a draft resolution (E/CN.4/1994/L.75) was submitted by Cuba. The Syrian Arab Republic subsequently joined the sponsor of the draft resolution. The draft resolution read as follows:

"Effective functioning of the various mechanisms established for supervision, investigation and monitoring of the implementation of the treaty obligations entered into by States in regard to human rights and of the existing international standards in this regard

"The Commission on Human Rights,

"Recalling its resolution 1993/58 of 9 March 1993,

"Taking note of the report submitted by the Secretary-General (E/CN.4/1994/42) on the various aspects listed in paragraph 2 of resolution 1993/58,

"Taking into account the need to continue examining and improving the functioning of the various mechanisms established for supervision, investigation and monitoring of the implementation of the treaty obligations entered into by States in regard to human rights and of the existing international standards in this regard,

"1. Decides that, in the course of the forthcoming rationalization of the Commission's work, the various aspects listed in paragraph 2 of resolution 1993/58 should be considered, taking into account the report of the Secretary-General on this question (E/CN.4/1994/42);

"2. Requests that, in the meetings of the Commission, working groups or any other means that may be established to consider the rationalization of the work of the Commission, recommendations should be submitted with a view to improving the functioning of the mechanisms referred to in this resolution;

"3. Also requests the Commission, working groups or any other means that may be established to consider the rationalization of the work of the Commission, to submit specific recommendations so that the mechanisms in question can better carry out their work on the basis of their original mandates and take due account of the principles of objectivity, impartiality and non-selectivity in discharging those mandates, while at the same time achieving a better rationalization of the work of the United Nations in this sphere and avoiding duplication and unnecessary wastage of financial and human resources;

"4. Decides to consider this question at its fifty-first session under the same agenda item."

397. At the 64th meeting, on 9 March 1994, the representative of Cuba introduced draft resolution E/CN.4/1994/L.75.

398. The Commission decided to postpone consideration of draft resolution E/CN.4/1994/L.75.

399. At its 67th meeting, on 10 March 1994, the Commission resumed its consideration of draft resolution E/CN.4/1994/L.75.

400. The representative of France made a statement concerning the draft resolution.

401. The Commission decided to postpone consideration of draft resolution E/CN.4/1994/L.75.

402. At the 68th meeting, on 10 March 1994, the representative of Cuba introduced a revised draft resolution (E/CN.4/1994/L.75/Rev.1), sponsored by Cuba and the Syrian Arab Republic.

403. The representative of Cuba orally revised the draft resolution by deleting, in operative paragraph 1, the words "without prejudging the approach of the Chairman to the reorganization of work and reclustering of the agenda" after the words "should be considered".

404. The draft resolution, as orally revised, was adopted without a vote.

405. The representatives of Austria and the Syrian Arab Republic made statements explaining their delegations' positions.

406. For the text as adopted, see chapter II, section A, resolution 1994/97.

B. National institutions for the promotion and protection of human rights

407. In relation to agenda item 11 (b), the Commission had before it the report of the second International Workshop on National Institutions for the Promotion and Protection of Human Rights (E/CN.4/1994/45 and Add.1).

408. In the general debate on agenda item 11 (b), statements 3/ were made by the following members of the Commission: Australia (34th and 48th), Cameroon (39th), Canada (34th), France (34th), India (38th), Indonesia (40th), Lesotho (42nd), Nigeria (45th), Russian Federation (45th), Togo (45th) and Tunisia (38th).

409. The Commission also heard statements by the observers for Algeria (44th), New Zealand (39th) and Senegal (47th).

410. The Commission also heard statements by the following non-governmental organizations: Interparliamentary Union (40th), Latin American Federation of Associations of Relatives of Disappeared Detainees (44th).

411. On 1 March 1994, a draft resolution (E/CN.4/1994/L.68) was submitted by Australia, Austria, Barbados, Cameroon, Canada, Costa Rica, the Czech Republic*, France, the Gambia*, Mexico, the Netherlands, the Philippines*, the Russian Federation and Uruguay. The draft resolution read as follows:

"National institutions for the promotion and protection of human rights

"The Commission on Human Rights,

"*Recalling* its relevant resolutions and those of the General Assembly concerning national institutions for the promotion and protection of human rights, notably its resolutions 1990/73 of 7 March 1990, 1991/27 of 5 March 1991, 1992/54 of 3 March 1992 and 1993/55 of 9 March 1993 and General Assembly resolutions 44/64 of 8 December 1989, 46/124 of 17 December 1991 and 48/134 of 20 December 1993,

"*Stressing* the importance of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments for promoting respect for, and observance of, human rights and fundamental freedoms,

"*Affirming* that priority should be accorded to the development of appropriate arrangements to ensure the effective implementation of international human rights standards,

"*Convinced* of the important role that can be played by national institutions in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

"*Recognizing* that the United Nations has played and should continue to play a catalytic role in assisting the development of national institutions,

"*Recalling in particular* in this regard the Principles relating to the status of national institutions annexed to General Assembly resolution 48/134,

"*Welcoming* the growing interest shown worldwide in the creation and strengthening of national institutions expressed during the regional preparatory meetings for the World Conference on Human Rights and at the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, as well as at the Commonwealth Workshop on National Human Rights Institutions, held at Ottawa from 30 September to 2 October 1992, the

Workshop for the Asia-Pacific Region on Human Rights Issues, held at Jakarta from 26 to 28 January 1993, and the second International Workshop on National Institutions for the Promotion and Protection of Human Rights, held at Tunis from 13 to 17 December 1993,

"*Welcoming with particular satisfaction* the convening of the second International Workshop on National Institutions for the Promotion and Protection of Human Rights at Tunis, and noting the decisions and recommendations adopted by national institutions at that meeting relating to the strengthening of national institutions, as well as the recommendations on the protection of disabled persons, children, women, migrants and those subject to arbitrary detention and torture (E/CN.4/1994/45, chap. VI),

"*Welcoming also* the decisions, announced recently by several States, to establish, or consider establishing, independent national institutions for the promotion and protection of human rights,

"*Recalling* the Vienna Declaration and Programme of Action, adopted by the World Conference, in which was reaffirmed the important constructive role played by national institutions for the promotion and protection of human rights, in particular in their advisory capacity to the competent authorities, their role in remedying human rights violations, and in the dissemination of human rights information and education concerning human rights,

"*Noting in particular* that the World Conference on Human Rights strongly urged Governments to incorporate standards as contained in international human rights instruments in domestic legislation and to strengthen national institutions which play a role in promoting and safeguarding human rights,

"*Noting with satisfaction* the constructive participation of representatives of a number of national institutions for the promotion and protection of human rights in international seminars and workshops organized or sponsored by the United Nations and its Member States and in other United Nations activities,

"1. *Reaffirms* the importance of the development, in accordance with national legislation, of effective national institutions for the promotion and protection of human rights and of ensuring the pluralism of their membership and their independence;

"2. *Encourages* all Member States to take appropriate steps to promote the exchange, including by national institutions, of information and experience concerning the establishment and operation of such national institutions;

"3. *Also encourages* Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights and, where appropriate, to incorporate those elements in national development plans or in their preparation of national action plans, as outlined in the Vienna Declaration and Programme of Action;

"4. *Emphasizes* in this regard the need to disseminate the Principles relating to the status of national institutions, annexed to General Assembly resolution 48/134 of 20 December 1993, as widely as possible and to utilize them fully;

"5. *Affirms* the role of national institutions, where they exist, as appropriate agencies for the dissemination of human rights materials and other public information activities under the auspices of the United Nations;

"6. *Recognizes* the important and constructive role that non-governmental organizations can play in cooperation with national institutions for the better promotion and protection of human rights;

"7. *Welcomes* the decision taken by national institutions at the second International Workshop on National Institutions for the Promotion and Protection of Human Rights (Tunis, 13-17 December 1993) to establish a Coordinating Committee which, under the auspices of and in cooperation with the Centre for Human Rights, will assist national institutions in following up the relevant resolutions and recommendations concerning the strengthening of national institutions, including those contained in the report of the Workshop (E/CN.4/1994/45);

"8. *Requests* the Secretary-General to give a high priority to requests from Member States for assistance in the establishment and strengthening of national institutions for the promotion and protection of human rights as part of the programme of advisory services and technical assistance in the field of human rights;

"9. *Requests* the Centre for Human Rights, with the assistance of national institutions and their Coordinating Committee, to develop a programme of technical assistance for States wishing to establish or strengthen their national institutions and to organize training programmes for national institutions which request them, and invites Governments to contribute additional funds to the Voluntary Fund for Technical Cooperation in the Field of Human Rights for these purposes;

"10. *Requests* the Secretary-General to convene a third international workshop of national institutions during 1995 in either Latin America or Asia, to finance attendance by representatives of national institutions from the Voluntary Fund for Technical Cooperation in the Field of Human Rights and to invite Governments and intergovernmental and non-governmental organizations to contribute to the Voluntary Fund for this purpose;

"11. *Calls* for provision to be made for appropriate participation by national institutions in relevant United Nations human rights bodies, and requests the Secretary-General to prepare a report, to be submitted to the Commission at its fifty-first session, drawing on the experience of the World Conference on Human Rights, concerning the participation of national institutions, in their own right, in the work of the appropriate functional commissions of the Economic and Social Council;

"12. Decides to continue its consideration of this question at its fifty-first session."

412. At the 56th meeting on 4 March 1994 the representative of Australia introduced a revised draft resolution (E/CN.4/1994/L.68/Rev.1), sponsored by the same States as draft resolution E/CN.4/1994/L.68 and also by Brazil, New Zealand*, Norway* and Romania. Bulgaria, Finland, Greece*, India, Indonesia, Latvia*, Senegal*, Slovakia*, Spain* and Tunisia subsequently joined the sponsors.

413. The representative of Australia orally revised the draft resolution by replacing the words "a catalytic" in the fifth preambular paragraph, by the words "an important".

414. The draft resolution, as orally revised, was adopted without a vote.

415. At the 68th meeting, on 10 March 1994, the representtives of Japan and Malaysia made statements explaining their delegations' positions.

416. For the text as adopted see chapter II, section A, resolution 1994/54.

C. Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights

417. In relation to agenda item 11 (c), the Commission had before it the following documents:

Report of the Secretary-General on strengthening of the Centre for Human Rights of the Secretariat (E/CN.4/1994/74);

Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/3).

418. In the general debate on agenda item 11 (c), statements 3/ were made by the following, members of the Commission: Austria (38th), Japan (38th).

419. The Commission also heard statements by the observers for the following countries: Greece (42nd), Malta (44th), Paraguay (39th), Switzerland (47th), Ukraine (47th).

420. At the 56th meeting, on 4 March 1994 the representative of Italy introduced draft resolution E/CN.4/1994/L.65, sponsored by Afghanistan*, Australia, Austria, Bulgaria, Canada, Chile, Finland, Germany, Haiti*, Hungary, Ireland*, Italy, Mexico, the Netherlands, Peru, the Philippines*, Poland, Romania, the Russian Federation, Switzerland* and Venezuela.

Cameroon, Greece*, Madagascar*, Mongolia*, Panama*, Portugal*, Slovakia*, Turkey*, Ukraine, the United States of America and Uruguay subsequently joined the sponsors.

421. The representative of Italy orally revised the text of the draft resolution by inserting the words "the above-mentioned" in operative paragraph 11, before the words "human rights activities".

422. The draft resolution, as orally revised, was adopted without a vote.

423. For the text as adopted, see chapter II, section A, resolution 1994/52.

424. At the same meeting, the observer for Denmark introduced draft resolution E/CN.4/1994/L.69, sponsored by Albania*, Angola, Argentina*, Armenia*, Australia, Austria, Barbados, Belgium*, Brazil, Bulgaria, Burundi*, Cameroon, Canada, Chile, Colombia, Costa Rica, Cote d'Ivoire, the Czech Republic*, Denmark*, Ecuador, Equatorial Guinea*, the Gambia*, Germany, Greece*, Guinea-Bissau, Hungary, Iceland*, Ireland*, Italy, Japan, Jordan*, Kenya, Latvia*, Lesotho, Liechtenstein*, Lithuania*, Luxembourg*, Madagascar*, Malawi, Malta*, Mauritania, Mauritius, Morocco*, the Netherlands, New Zealand*, Nicaragua*, Norway*, Peru, the Philippines*, Poland, Portugal*, the Republic of Korea, Romania, the Russian Federation, Senegal*, Slovakia*, Spain*, Sri Lanka, Sweden*, Switzerland*, Turkey*, Uruguay, Venezuela and Zimbabwe*. Afghanistan*, Algeria*, Cyprus, Finland, France, Israel*, Nigeria, Tunisia and Ukraine* subsequently joined the sponsors.

425. The observer for Denmark orally revised the draft resolution as follows:

(a) At the end of the fifth preambular paragraph, after the words "United Nations", the following words were added ",emphasizing the desirability of paying particular attention to the recruitment to the Centre for Human Rights of persons from under-represented countries";

(b) In operative paragraph 5, the words "activities envisaged for the Centre" were replaced by the words "mandates contained";

(c) In the same paragraph, after the words "Programme of Action" the words "without diverting resources from development programmes and activities of the United Nations" were added;

(d) In operative paragraph 6, the word "additional" was replaced by the word "appropriate".

426. The draft resolution, as orally revised, was adopted without a vote.

427. For the text as adopted, see chapter II, section A, resolution 1994/55.

428. At the same meeting, the representative of Indonesia introduced draft resolution E/CN.4/1994/L.76, sponsored by Cuba, the Democratic People's Republic of Korea*, India, Indonesia, the Islamic Republic of Iran, the Sudan,

the Syrian Arab Republic and Viet Nam*. Afghanistan*, Algeria, Bangladesh, Cameroon, China, Ethiopia*, Kenya, Malawi, Mauritius, Myanmar*, Nigeria and Sri Lanka subsequently joined the sponsors.

429. The representative of Canada requested a vote on the draft resolution.

430. At the request of the representative of Cuba, the vote was taken by roll-call.

431. The draft resolution was adopted by 36 votes to 15, with 2 abstentions. The voting was as follows:

In favour: Angola, Bangladesh, Barbados, Brazil, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Ecuador, Gabon, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Peru, Republic of Korea, the Sudan, Sri Lanka, Syrian Arab Republic, Togo, Tunisia, Uruguay, Venezuela.

Against: Australia, Austria, Bulgaria, Canada, Finland, France, Germany, Hungary, Italy, Japan, Netherlands, Poland, the Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Cyprus, Romania.

432. At the 68th meeting, on 10 March 1994, the representatives of Japan and the United States of America made statements in explanation of vote after the vote.

433. For the text as adopted, see chapter II, section A, resolution 1994/56.

D. Human rights, mass exoduses and displaced persons

434. In relation to agenda item 11 (d), the Commission had before it the following documents:

Note by the Secretary-General on internally displaced persons (A/48/579);

Report of the Secretary-General on human rights and mass exoduses (E/CN.4/1994/43 and Add.1);

Report of the Representative of the Secretary-General, Mr. Francis Deng, on internally displaced persons, submitted pursuant to Commission on Human Rights resolution 1993/95 (E/CN.4/1994/44 and Add.1);

Joint statement submitted by Caritas Internationalis, the Commission of the Churches on International Affairs of the World Council of Churches and the Friends World Committee for Consultation, non-governmental organizations in consultative status (category II) (E/CN.4/1994/NGO/4).

435. At the 34th meeting, on 22 February 1994, the Representative of the Secretary-General on the human rights issues related to internally displaced persons, Mr. Francis Deng, introduced his report (E/CN.4/1994/44 and Add.1) to the Commission.

436. In the general debate on agenda item 11 (d), statements 3/ were made by the following members of the Commission: Austria (43rd), Cyprus (38th), Iran (Islamic Republic of) (43rd), Japan (38th), Kenya (42nd), Peru (48th), the Russian Federation (45th), Sri Lanka (48th), and the Sudan (42nd).

437. The Commission also heard statements by the observers for: Czech Republic (44th), Iraq (44th), Norway (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (44th), Switzerland (47th) and Ukraine (47th).

438. The Commission also heard statements by the following non-governmental organizations: Amnesty International (39th), Andean Commission of Jurists (44th), Caritas Internationalis (40th), Christian Democrat International (44th), Friends World Committee for Consultation (39th), Human Rights Watch (40th), International Educational Development, Inc. (45th), International Islamic Federation of Student Organizations (48th), International League for the Rights and Liberation of Peoples (40th), Latin American Federation of Associations of Relatives of Disappeared Detainees (44th), Minority Rights Group (44th), Refugee Policy Group (45th), Sierra Club Legal Defence Fund, Inc. (40th) and World Society of Victimology (44th).

439. The observer for the International Organization for Migration made a statement (47th).

440. The observer for the International Committee of the Red Cross also made a statement (47th).

441. A statement in exercise of the right of reply was made by the Sudan (48th).

442. At the 56th meeting, on 4 March 1994, the representative of Canada introduced a draft resolution (E/CN.4/1994/L.63), sponsored by Australia, Austria, Bulgaria, Canada, Costa Rica, Côte d'Ivoire, Cyprus, Finland, Hungary, Italy, Japan, Jordan*, Madagascar*, Mauritania, New Zealand*, Norway*, Poland, the Russian Federation, Switzerland*, Turkey* and the United States of America, reading as follows:

"Human rights and mass exoduses

"The Commission on Human Rights,

"Noting that the report of the Secretary-General entitled 'An Agenda for Peace' (A/47/277-S/24111) identifies the protection of human rights as an important element of peace, security and economic well-being and highlights the importance of preventive diplomacy,

"Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world, "Recalling its resolution 1993/70 of 10 March 1993 and its previous relevant resolutions, as well as those of the General Assembly,

"Noting with interest that the Secretary-General, in 'An Agenda for Peace', identifies the linkage between preventive diplomacy and humanitarian assistance and recognizes that preventive diplomacy requires an early-warning capacity,

"Noting also that the Secretary-General, in his report on the strengthening of the coordination of humanitarian emergency assistance of the United Nations (A/47/595), states that in complex emergencies, humanitarian assistance is essential but must be complemented by measures to address the root causes of such emergencies and that the establishment of the inter-agency consultation on early warning serves the purposes of both prevention and preparedness,

"Recalling that the World Conference on Human Rights and other intergovernmental forums have recognized that gross violations of human rights, including in armed conflicts, are among the multiple and complex factors leading to displacement of people,

"Recalling also that the World Conference on Human Rights recognized that, in view of the complexities of the global refugee crisis, a comprehensive approach by the international community is needed including, inter alia, the development of strategies to address the root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms,

"Welcoming the continuing efforts of the United Nations High Commissioner for Refugees to meet the protection and assistance needs of refugees worldwide, in particular women and children, who constitute the majority of the world's refugee population and who are often exposed to serious threats to their safety and well-being,

"Recognizing that the Commission on Human Rights has a number of mechanisms to address human rights violations, which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

"1. Invites again all Governments and intergovernmental and humanitarian organizations concerned to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and the causes of such exoduses;

"2. Welcomes the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language;

"3. Strongly deplores ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

"4. Calls upon special rapporteurs, special representatives and working groups studying situations of violation of human rights to seek information on problems resulting in mass exoduses of populations or impeding their voluntary return home and, where appropriate, to include such information, together with recommendations thereon, in their reports to the Commission;

"5. Requests all United Nations bodies, including the United Nations human rights treaty bodies, the specialized agencies and governmental, intergovernmental and non-governmental organizations, to cooperate fully with all mechanisms of the Commission and, in particular, to provide them with all relevant and accurate information in their possession on the human rights situations creating or affecting refugees and displaced persons within their mandates;

"6. Notes that the Executive Committee of the Programme of the United Nations High Commissioner for Refugees has specifically acknowledged the direct relationship between observance of human rights standards, refugee movements, problems of protection and solutions;

"7. Welcomes the contributions of the United Nations High Commissioner for Refugees to the deliberations of international human rights bodies, and encourages her to seek ways to make these contributions even more effective;

"8. Invites the United Nations High Commissioner for Refugees to address the Commission at its fifty-first session;

"9. Encourages States that have not already done so to accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol;

"10. Urges the Secretary-General to attach a high priority and allocate the necessary resources to the consolidation and strengthening of the system for undertaking early-warning activities in the humanitarian area for the purpose of ensuring, inter alia, that effective action is taken to identify human rights abuses which contribute to mass outflows of persons;

"11. Welcomes the decision by the Administrative Committee on Coordination to establish a regular United Nations inter-agency early-warning consultation and to designate the Department of Humanitarian Affairs as the focal point and facilitator of the consultation;

"12. Urges the Department of Humanitarian Affairs to take the necessary steps to function effectively as the focal point of the inter-agency early-warning consultation by, inter alia, taking the lead in identifying relevant early-warning indicators regarding new mass flows and completing work on the conceptualization and realization of a humanitarian early-warning system;

"13. Urges all the bodies involved in the inter-agency consultation to cooperate fully in and devote the necessary resources to the successful operation of the consultation;

"14. Requests the High Commissioner for Human Rights to pay particular attention, in the exercise of his mandate for preventing the continuation of human rights violations throughout the world, to situations of human rights violations which are likely to cause refugee movements or which prevent the voluntary repatriation of refugees;

"15. Requests the Secretary-General to ask Governments, intergovernmental organizations, specialized agencies and non-governmental organizations for information and to prepare, within existing resources, and submit to the Commission at its fifty-first session a report containing information and views on prevention and solution-oriented strategies that they have found to be effective in the area of mass exoduses, a compilation of information and recommendations from human rights mechanisms on problems resulting in mass exoduses of populations or impeding their voluntary return home and a description of the results of the discussions within the United Nations Secretariat on the implementation of the recommendations contained in 'An Agenda for Peace' and on the establishment of a fully integrated interdepartmental early-warning mechanism;

"16. Decides to continue its consideration of the question at its fifty-first session under the agenda item 'Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission' under the subitem entitled 'Human rights, mass exoduses and the displaced'."

443. The representative of Canada orally revised the draft resolution in the second, sixth and seventh preambular paragraphs and operative paragraphs 4, 10, 12 and 15, as well as by inserting a new paragraph as the fifth preambular paragraph. A revised draft resolution incorporating these revisions was subsequently issued as E/CN.4/1994/L.63/Rev.1.

444. The Commission decided to postpone consideration of draft resolution E/CN.4/1994/L.63.

445. At its 64th meeting, on 9 March 1994, the representative of Canada introduced a revised draft resolution (E/CN.4/1994/L.63/Rev.1), with the same sponsors as draft resolution E/CN.4/1994/L.63. Cameroon, Denmark*, Germany, Greece*, Ireland*, Luxembourg*, the Netherlands, the Philippines*, Slovakia*, Sweden* and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

446. Draft resolution E/CN.4/1994/L.63/Rev.1 was adopted without a vote.

447. For the text as adopted, see chapter II, section A, resolution 1994/66.

448. At the 56th meeting, on 4 March 1994, the representative of Austria introduced a draft resolution (E/CN.4/1994/L.72), sponsored by Argentina*, Austria, Costa Rica, the Czech Republic*, Denmark*, Finland, Greece*, Hungary, Italy, Lesotho, Norway*, Peru, the Russian Federation, Sweden*, Switzerland*, and Uruguay. Australia, Cyprus, France, the Gambia*, Latvia*, Nigeria and the United States of America subsequently joined the sponsors. The draft resolution read as follows:

"Internally displaced persons

"The Commission on Human Rights,

"Mindful of its responsibility under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

"Recalling the relevant norms of international human rights instruments, as well as of international humanitarian law and international refugee law,

"Deeply disturbed by the large and growing number of internally displaced persons throughout the world and conscious of the serious problem this is creating for the international community,

"Recognizing that internally displaced persons are in need of relief assistance and of protection,

"Conscious of the human rights as well as the humanitarian dimensions of the problem of internally displaced persons and the responsibilities this poses for the international community,

"Recalling its resolution 1993/95 of 11 March 1993, in which it requested the representative of the Secretary-General to continue his work aimed at better understanding of the general problems faced by internally displaced persons and their possible long-term solutions,

"Recalling the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights called for a comprehensive approach by the international community with regard to refugees and displaced persons,

"Bearing in mind that the General Assembly, in its resolution 48/135, welcoming the decision by the Executive Committee of the Office of the United Nations High Commissioner for Refugees to extend, on a case-by-case basis and under specific circumstances, protection and assistance to the internally displaced, encouraged the representative, through dialogue with Governments, to continue his review of the needs for international protection of and assistance to internally displaced persons, including his compilation and analysis of existing rules and norms, "Bearing in mind also that in the same resolution the Assembly invited the representative to present suggestions and recommendations with regard to ways and means, including the institutional aspects, of providing effective protection and assistance to internally displaced persons,

"Conscious of the need for the United Nations system to gather comprehensive information on the issue of the protection of the human rights of and assistance to internally displaced persons, as well as to coordinate effectively its activities in this regard,

"Welcoming the cooperation already established between the representative of the Secretary-General and the Office of the United Nations High Commissioner for Refugees, the Department of Humanitarian Affairs of the Secretariat and other intergovernmental and non-governmental organizations,

"Aware of the need to address the root causes of internal displacement, particularly as regards the identification of preventive measures, long-term solutions and opportunities for the peaceful resolution of conflicts,

"1. Takes note with appreciation of the report of the representative of the Secretary-General on internally displaced persons and on his visit to Sri Lanka (E/CN.4/1994/44 and Add.1);

"2. Commends the representative of the Secretary-General for the activities so far undertaken despite the limited resources available to him, and endorses his proposed programme of activities;

"3. Welcomes the efforts of the representative to continue raising the level of consciousness about the plight of the internally displaced;

"4. Encourages the representative, through dialogue with Governments and all concerned, to continue his review of the needs for international protection of and assistance to internally displaced persons, including his compilation and analysis of existing rules and norms;

"5. Also encourages the representative to include in his review the needs for international protection and assistance of this vulnerable group in specific situations;

"6. Further encourages the representative to continue to pay specific attention in his review to the protection and assistance needs of women and children;

"7. Invites the representative to make suggestions and recommendations with regard to ways and means, including the institutional aspects, of providing adequate and effective protection of and assistance to internally displaced persons;

"8. Calls upon all Governments to continue to facilitate the activities of the representative, encourages them to give serious consideration to inviting him to visit their countries, so as to enable him to study and analyse more fully the issues involved, and thanks those Governments which have already done so;

"9. Also calls upon Governments to give due consideration to the recommendations and suggestions made to them by the representative for improving protection and assistance to internally displaced persons, and endorses the recommendation of the representative regarding the need for follow-up;

"10. Calls upon its other mechanisms to seek information on situations which could lead to internal displacement and to include relevant information and recommendations on prevention and solutions in their reports to the Commission;

"11. Calls upon the Department of Humanitarian Affairs of the Secretariat, the Office of the United Nations High Commissioner for Refugees, all regional intergovernmental organizations, the International Committee of the Red Cross, the International Organization for Migration and non-governmental organizations to continue to cooperate with the representative and assist him in his tasks and activities;

"12. Urges concerned United Nations agencies to provide to the representative all possible assistance and support in the implementation of his programme of activities, including all necessary information, and calls upon the representative to propose ways and means of setting up a more coherent system of data collection on issues related to the situation and protection of internally displaced persons;

"13. Encourages the representative in this respect to enlist the contribution of local, national and regional capacities including academic and research institutions;

"14. Requests the Secretary-General to give all necessary assistance to his representative to carry out his mandate effectively, in particular with regard to the study and analysis of the legal framework and the development of a comprehensive strategy;

"15. Requests the representative of the Secretary-General to continue to submit annual reports on his activities to the Commission on Human Rights and to the General Assembly;

"16. Decides to continue its consideration of the question at its fifty-first session."

449. At its 56th meeting, on 4 March 1994, the Commission decided to postpone consideration of draft resolution E/CN.4/1994/L.72.

450. At the 64th meeting, on 9 March 1994, the representative of Austria introduced a revised draft resolution (E/CN.4/1994/L.72/Rev.1), with the same

sponsors as draft resolution E/CN.4/1994/L.72. Australia, Canada, Cyprus, France, the Gambia*, Latvia*, Nigeria and the United States of America subsequently joined the sponsors.

451. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

452. The draft resolution was adopted without a vote.

453. At the 68th meeting, on 10 March 1994, the representatives of India and the Netherlands made statements explaining their delegations' positions.

454. For the text as adopted, see chapter II, section A, resolution 1994/68.

E. International Year of the Family

455. In the general debate on agenda item 11 (e), statements were made by the following members of the Commission: Austria (38th), China (40th), and Poland (43rd).

456. The Commission also heard statements by the observers for Malta (44th) and the Holy See (44th).

457. The Commission also heard statements by the following non-governmental organizations: International Lesbian and Gay Association (40th), International Movement ATD Fourth World (44th) and World Movement of Mothers (45th).

XII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING: (a) QUESTION OF HUMAN RIGHTS IN CYPRUS; (b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED FOR IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1990/41 OF 25 MAY 1990

458. The Commission considered agenda item 12 and sub-item (a) at its 11th and 12th meetings, on 7 and 8 February, at its 39th meeting, on 24 February, at its 43rd meeting, on 25 February, at its 48th to 54th meetings, on 1 to 3 March, at its 57th meeting, on 4 March, and at its 58th to 61st meetings, on 7 and 8 March 1994. 1/ Item 12 (b) was considered by the Commission in closed session (see para. 633 below).

459. In connection with the consideration of agenda item 12, the Commission had before it the following documents:

Note by the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/48/526 and Add.1);

Note by the Secretary-General on the situation of human rights in Haiti (A/48/561);

Note by the Secretary-General on the situation of human rights in Cuba (A/48/562);

Note by the Secretary-General on the situation of human rights in Myanmar (A/48/578);

Note by the Secretary-General on the situation of human rights in Afghanistan (A/48/584);

Note by the Secretary-General on the situation of human rights in Iraq (A/48/600 and Add.1);

Note by the Secretary-General on the situation of human rights in Sudan (A/48/601);

Letter dated 22 February 1994 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General (A/48/875);

Periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission of Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 (E/CN.4/1994/3);

Second periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 (E/CN.4/1994/4);

Report of the Secretary-General on rape and abuse of women in the territory of the former Yugoslavia (E/CN.4/1994/5);

Third periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 (E/CN.4/1994/6);

Report by the Special Rapporteur, Mr. Bacre Waly Ndiaye, submitted pursuant to Commission on Human Rights resolution 1993/71, on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7 and Corr.1-2 and Add.1-2);

Fourth periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 - Mostar: the cause for concern (E/CN.4/1994/8);

Report of the Secretary-General provided pursuant to Commission on Human Rights decision 1993/109, on the question of human rights in Cyprus (E/CN.4/1994/46);

Fifth periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 (E/CN.4/1994/47);

Report of the Special Rapporteur, Mr. Gáspár Bíró, on the situation of human rights in the Sudan, submitted in accordance with Commission resolution 1993/60 (E/CN.4/1994/48);

Report by the Secretary-General on the situation of human rights in Zaire (E/CN.4/1994/49);

Final report on the situation of human rights in the Islamic Republic of Iran prepared by the Special Representative of the Commission, Mr. Reynaldo Galindo Pohl, pursuant to Commission resolution 1993/62 and Economic and Social Council decision 1993/273 (E/CN.4/1994/50);

Report on the situation of human rights in Cuba, prepared by the Special Rapporteur, Mr. Carl-Johan Groth, in accordance with Commission resolution 1993/63 (E/CN.4/1994/51);

Report of the Secretary-General on cooperation with representatives of United Nations human rights bodies, prepared in accordance with Commission on Human Rights resolution 1993/64 (E/CN.4/1994/52);

Final report on the situation of human rights in Afghanistan submitted by Mr. Felix Ermacora, Special Rapporteur, in accordance with Commission on Human Rights resolution 1993/66 (E/CN.4/1994/53);

Report of the Secretary-General on the situation of human rights in southern Lebanon (E/CN.4/1994/54);

Report on the situation of human rights in Haiti, submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in accordance with Commission resolution 1993/68 (E/CN.4/1994/55);

Report on the human rights situation in the Republic of Equatorial Guinea prepared by Mr. Alejandro Artucio, Special Rapporteur of the Commission, pursuant to Commission resolution 1993/69 (E/CN.4/1994/56);

Report on the situation of human rights in Myanmar, prepared by Mr. Yozo Yokota, Special Rapporteur, in accordance with Commission resolution 1993/73 (E/CN.4/1994/57);

Report on the situation of human rights in Iraq, submitted by Mr. Max van der Stoel, Special Rapporteur of the Commission on Human Rights, in accordance with Commission resolution 1993/74 (E/CN.4/1994/58);

Report by the Secretary-General on the situation of human rights in Togo (E/CN.4/1994/59);

Report of the Secretary-General on human rights violations in Bougainville (E/CN.4/1994/60);

Report of the Secretary-General on the situation in East Timor (E/CN.4/1994/61);

Note by the secretariat (E/CN.4/1994/97);

Note verbale dated 3 January 1994 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Commission on Human Rights (E/CN.4/1994/102);

Letter dated 28 January 1994 from the Permanent Representative of the Transitional Government of Ethiopia to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1994/103);

Letter dated 1 February 1994 from the Permanent Representative of the Republic of Bosnia and Herzegovina to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1994/104);

Sixth periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 (E/CN.4/1994/110);

Letter dated 10 February 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the fiftieth session of the Commission on Human Rights (E/CN.4/1994/115);

Note verbale dated 10 February 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1994/119);

Letter dated 25 February 1994 from the Secretary of Foreign Affairs and Trade of Papua New Guinea addressed to the Chairman of the fiftieth session of the Commission on Human Rights (E/CN.4/1994/120);

Letter dated 18 February 1994 from the Permanent Representative of Sudan to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1994/122);

Letter dated 23 February 1994 from the Permanent Representative of Georgia to the United Nations addressed to the Chairman of the fiftieth session of the Commission on Human Rights (E/CN.4/1994/123);

Letter dated 4 March 1994 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the fiftieth session of the Commission on Human Rights (E/CN.4/1994/124);

Letter dated 3 March 1994 from the Permanent Representative of the Kingdom of the Netherlands to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1994/125);

Letter dated 4 March 1994 from the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions addressed to the Chairman of the Commission (E/CN.4/1994/126);

Letter dated 4 March 1994 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Director-General of the United Nations Office at Geneva (E/CN.4/1994/128);

Letter dated 25 February 1994 from the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia addressed to the Chairman of the Commission on Human Rights (E/CN.4/1994/130);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/7);

Written statement submitted by the International Federation of Action of Christians for the Abolition of Torture, a non-governmental organization on the Roster (E/CN.4/1994/NGO/9);

Written statements submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/12, E/CN.4/1994/NGO/13, E/CN.4/1994/NGO/14, E/CN.4/1994/NGO/15 and E/CN.4/1994/NGO/22);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/23);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/24);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1994/NGO/26);

Written statement submitted by Centre Europe-Tiers Monde, a non-governmental organization on the Roster (E/CN.4/1994/NGO/28);

Written statement submitted by the International Association of Educators for World Peace, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/29);

Written statement submitted by the Humanitarian Law Project, a non-governmental organization on the Roster (E/CN.4/1994/NGO/37);

Written statement submitted by World Confederation of Labour, World Federation of Trade Unions, non-governmental organizations in consultative status (category I); International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Association of Penal Law, Latin American Federation of Associations of Relatives of Disappeared Detainees, Pax Christi International, Pax Romana, Women's International League for Peace and Freedom, non-governmental organizations in consultative status (category II); Centre Europe-Tiers Monde, International Falcon Movement, International Movement against All Forms of Discrimination and Racism, Movement against Racism and for Friendship among Peoples, World Organization against Torture, non-governmental organizations on the Roster (E/CN.4/1994/NGO/40);

Written statement submitted by World Confederation of Labour, a non-governmental organization in consultative status (category I); American Association of Jurists, Disabled People's International, International Association for the Defence of Religious Liberty, International League for the Rights and Liberation of Peoples, Latin American Federation of Associations of Relatives of Disappeared Detainees and Pax Christi International, non-governmental organizations in consultative status (category II); International Educational Development Inc., International Falcon Movement, International Movement against All Forms of Discrimination and Racism, and Movement against Racism and for Friendship among Peoples, non-governmental organizations on the Roster (E/CN.4/1994/NGO/42);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/43);

Written statement submitted by Pax Christi International, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/44);

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/48);

Written statement submitted by the Andean Commission of Jurists, Commission for the Defence of Human Rights in Central America, France-Libertés: Fondation Danielle Mitterrand, International Commission of Jurists, International Federation of Human Rights, International Human Rights Law Group, International Indian Treaty Council, International League for the Rights and Liberation of Peoples, Latin American Federation of Associations of Relatives of Disappeared Detainees, Lawyers Committee for Human Rights, Pax Christi International, Pax Romana, and Service, Justice and Peace in Latin America, non-governmental organizations in consultative status (category II), and Centre Europe-Tiers Monde, International Federation of ACAT (Action of Christians for the Abolition of Torture), World Organization against Torture, and World Christian Life Community, non-governmental organizations on the Roster (E/CN.4/1994/NGO/49);

Written statement submitted by the General Conference of the Seventh Day Adventists, International Association for Religious Freedom, Lutheran World Federation, and Pax Romana, non-governmental organizations in consultative status (category II), and Gray Panthers and World Union for Progressive Judaism, non-governmental organizations on the Roster (E/CN.4/1994/NGO/51).

460. At the 11th meeting, on 7 February 1994, the Special Rapporteur, Mr. Tadeusz Mazowiecki, appealed to the Commission in regard to the situation in Sarajevo, following the massacre in the market square, on 5 February 1994.

461. At the 12th meeting, on 8 February 1994, the Chairman of the fiftieth session of the Commission on Human Rights read out the following statement on behalf of the Commission:

> "The Commission on Human Rights, assembled at its fiftieth session, is shocked by the horrible massacre at the market square of Sarajevo on 5 February 1994, which took the lives of 68 civilians and left many more wounded. This deliberate and indiscriminate shelling of the civilian population of Sarajevo is part of a pattern of despicable and outrageous violations in international humanitarian law and of human rights.
>
> "The Commission on Human Rights, assembled at its fiftieth session, having listened to the statement of the Special Rapporteur on the human rights situation in the former Yugoslavia, calls in the strongest possible terms for firm and resolute action to be taken immediately by

> the international community in order to stop these human rights violations, ethnic cleansing and other genocidal acts, rape and abuse of women, strangulation of Bosnian cities, shelling and killing of civilians, to secure a just and lasting peace in the Republic of Bosnia and Herzegovina and to bring the war criminals to trial."

462. At the 39th meeting, on 24 February 1994, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Mr. Reynaldo Galindo Pohl, introduced his report (E/CN.4/1994/50).

463. At the same meeting, the Special Rapporteur on the situation of human rights in Afghanistan, Mr. Felix Ermacora, introduced his report (E/CN.4/1994/53).

464. At the same meeting, the Special Rapporteur on the situation of human rights in Haiti, Mr. Marco Tulio Bruni Celli, introduced his report (E/CN.4/1994/55).

465. At the same meeting, the Special Rapporteur on the situation of human rights in Myanmar, Mr. Yozo Yokota, introduced his report (E/CN.4/1994/57).

466. At the 43rd meeting, on 28 February 1994, the Special Rapporteur on the situation of human rights in Iraq, Mr. Max van der Stoel, introduced his report (E/CN.4/1994/58).

467. At the same meeting, the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, Mr. Tadeusz Mazowiecki, introduced his report (E/CN.4/1994/110).

468. At the 49th meeting, on 2 March 1994, the Special Rapporteur on the situation of human rights in the Sudan, Mr. Gáspár Bíró, introduced his report (E/CN.4/1994/48).

469. At the same meeting, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly Ndiaye, introduced his report (E/CN.4/1994/7 and Corr.1-2 and Add.1-2).

470. At the same meeting, the Special Rapporteur on the situation of human rights in Equatorial Guinea, Mr. Alejandro Artucio, introduced his report (E/CN.4/1994/56).

471. At the same meeting, the Special Rapporteur on the situation of human rights in Cuba, Mr. Carl-Johan Groth, introduced his report (E/CN.4/1994/51).

472. In the general debate on agenda item 12, statements 3/ were made by the following members of the Commission: Australia (54th), Austria, (52nd), Barbados (on behalf of the States members of the Caribbean Community represented in Geneva) (59th), Brazil (51st), Bulgaria (54th), Canada (60th), Chile (60th), China (50th and 60th), Colombia (54th), Cuba (49th and 61st), Cyprus (51st), Ecuador (54th), Finland (60th), Hungary (58th), India (61st), Indonesia (54th), Iran (Islamic Republic of) (54th and 58th), Japan (60th), Kenya (54th), Lesotho (54th), Libyan Arab Jamahiriya (54th), Malawi (60th), Malaysia (51st), Mauritania (58th), Netherlands (60th), Nigeria (48th and

51st), Pakistan (52nd and 60th), Poland (59th), Republic of Korea (60th), Russian Federation (60th), Sri Lanka (59th), Sudan (49th), Syrian Arab Republic (60th), Togo (58th), United States of America (58th), Venezuela (60th).

473. The Commission also heard statements by the observers for: Albania (58th), Algeria (60th), Argentina (52nd), Armenia (60th), Azerbaijan (61st), Bosnia and Herzegovina (50th), Czech Republic (58th), Democratic People's Republic of Korea (61st), Egypt (54th), Ethiopia (60th), Ghana (54th), Greece (52nd), Greece (on behalf of the European Union) (51st), Haiti (61st), Iraq (52nd), Kuwait (58th), Lebanon (48th), Liechtenstein (61st), Myanmar (59th), Norway (54th), Philippines (58th), Senegal (58th), Slovak Republic (54th), Sweden (54th), Turkey (50th).

474. The observer for Switzerland made a statement (60th).

475. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (51st), All India Women's Conference (51st), All Pakistan Women's Association (59th), American Association of Jurists (51st), Amnesty International (60th), Andean Commission of Jurists (60th), Anti-Slavery Society for the Protection of Human Rights (51st), Arab Lawyers Union (51st), Arab Organization for Human Rights (60th), Article XIX: The International Centre against Censorship (53rd), Baha'i International Community (60th), Centre Europe-Tiers Monde (61st), Christian Democrat International (51st), Christian Solidarity International (59th), Commission for the Defence of Human Rights in Central America (54th), Commission of the Churches on International Affairs of the World Council of Churches (51st), France-Libertés: Fondation Danielle Mitterrand (50th), Human Rights Advocates (50th), Human Rights Watch (51st), Indian Council of South America (53rd), Indian Institute for Non-Aligned Studies (61st), International Association for the Defence of Religious Liberty (53rd), International Association of Democratic Lawyers (58th), International Association of Educators for World Peace (53rd), International Commission of Jurists (53rd), International Confederation of Free Trade Unions (54th), International Council of Voluntary Agencies (53rd), International Educational Development, Inc. (53rd), International Falcon Movement - Socialist Educational International (58th), International Federation of Human Rights (50th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (61st), International Federation Terre des Hommes (52nd), International Fellowship of Reconciliation (59th), International Indian Treaty Council (51st), International Islamic Federation of Student Organizations (58th), International League for Human Rights (58th), International League for the Rights and Liberation of Peoples (52nd), International Lesbian and Gay Association (59th), International Movement against All Forms of Discrimination and Racism (54th), International Movement for Fraternal Union Among Races and Peoples (59th), International Organization for the Elimination of All Forms of Racism and Discrimination (60th), International Peace Bureau (54th), International PEN (53rd), International Union of Young Christian Democrats (51st), International Work Group for Indigenous Affairs (54th), Inter-Parliamentary Union (50th), Latin American Federation of Associations of Relatives of Disappeared Detainees (61st), Liberation (61st), Minority Rights Group (51st), Movement against Racism and For Friendship Among

Peoples (54th), Muslim World League (59th), Pax Christi International (53rd), Pax Romana (58th), Service, Justice and Peace in Latin America (53rd), Sierra Club Legal Defence Fund (60th), Survival International (51st), Third World Movement against the Exploitation of Women (58th), Union of Arab Jurists (53rd), War Resisters' International (51st), World Alliance of Reformed Churches (53rd), World Christian Life Community (53rd), World Confederation of Labour (54th), World Conference on Religion and Peace (59th), World Federalist Movement (51st), World Muslim Congress (53rd), World Organization against Torture (51st), World Society of Victimology (53rd).

476. A joint statement was made by the International Federation of Action of Christians for the Abolition of Torture (51st) on behalf of the following non-governmental organizations: France-Libertés: Fondation Danielle Mitterrand, International Federation of Human Rights.

477. A joint statement was made by the World Student Christian Federation (60th) on behalf of the following non-governmental organizations: International Union of Students, World Federation of Democratic Youth.

478. A joint statement was made by the Regional Council on Human Rights in Asia (61st) on behalf of the following non-governmental organizations: Human Rights Advocates, International Movement against All Forms of Discrimination and Racism, International Movement for Fraternal Union Among Races and Peoples, Pax Christi International, Third World Movement against the Exploitation of Women, World Alliance of Reformed Churches, World Christian Life Community, World Student Christian Federation.

479. Statements in exercise of the right of reply or its equivalent were made by the representatives of Algeria (60th), Bangladesh (54th), China (60th), Cuba (52nd, 54th and 60th), the Democratic People's Republic of Korea (61st), Egypt (60th), Equatorial Guinea (52nd), Ethiopia (52nd), Guatemala (60th), India (54th, 57th and 61st), Indonesia (60th), the Islamic Republic of Iran (60th), Iraq (51st, 54th and 60th), Kuwait (60th), Latvia (61st), Morocco (60th), Myanmar (54th), Pakistan (57th and 61st), Peru (52nd), the Republic of Korea (54th and 61st), the Sudan (52nd and 61st), Turkey (52nd) and Viet Nam (60th).

480. At the 61st meeting, on 8 March 1994, the Chairman of the fiftieth session of the Commission on Human Rights read out the following statement on behalf of the Commission:

> "The Commission will recall that in the course of its consideration of item 12, a number of comments were addressed to various aspects of the reports of the Special Rapporteurs which were before it on this item.
>
> "It is only normal and appropriate for any delegation to express its views on the contents of these reports.
>
> "However, the Chair has noted that a number of these comments have reflected serious doubts on the integrity of one of its Special Rapporteurs.

> "It is my duty as your Chairman to remind the Commission that the Special Rapporteurs are appointed by the Commission on Human Rights and entrusted with mandates that are often delicate and always sensitive. Special Rapporteurs are the result of a solemn decision of the international community as represented in this body: they are the agents of the Commission on Human Rights, no more, no less. To cast any doubts on the integrity of the Special Rapporteurs is to cast them on the Commission itself. It is, therefore, the duty of this Commission to ensure that, whilst respecting the right to freedom of expression and the right to disagree, the character and integrity of its Special Rapporteurs are not called into question."

Situation of human rights in Sri Lanka

481. At the 64th meeting, on 9 March 1994, the Chairman made the following statement, acknowledging the statement made by the representative of Sri Lanka at the 59th meeting on 7 March 1994:

> "The Commission acknowledges the statement of the representative of Sri Lanka concerning the situation of human rights in Sri Lanka and welcomes the Government's continuing cooperation with the Commission.
>
> "The Government of Sri Lanka has outlined a programme of work which is to be implemented in the course of the coming year which, _inter alia_, includes commitments to: the further revision of the Emergency Regulations; the promotion of accountability through the vigorous undertaking of investigations and institution of prosecutions against human rights violators; taking all possible steps to prevent injury to civilians in the course of military operations; implementation of the recommendations made by the Working Group on Enforced or Involuntary Disappearances.
>
> "The efforts of the Government to arrive at a negotiated political settlement to the problems in the north and the east of the country should be encouraged.
>
> "As requested by the delegation of Sri Lanka, this acknowledgement will be included in the final report of the Commission and the statement of the delegation of Sri Lanka in its entirety in the summary records of this session."

Situation of human rights in East Timor

482. At the same meeting, the Chairman, further to consultations, read out the following statement to indicate the Commission's consensus agreement in connection with the situation of human rights in East Timor:

> "The Commission on Human Rights discussed the human rights situation in East Timor. The Commission notes with concern continuing allegations of human rights violations in East Timor, while recognizing the positive measures taken by the Government of Indonesia to improve the situation.

"The Commission recalls the undertakings by the Government of Indonesia to promote human rights in East Timor and those contained in the consensus Chairman's statement at its forty-eighth session on the matter, and stresses the need to take further steps towards its implementation.

"A matter of preoccupation to the Commission is the incomplete information concerning the number of people killed and the persons still unaccounted for as a result of the Dili violent incident of 12 November 1991. While acknowledging the efforts made to account for those persons, the Commission calls upon the Government of Indonesia to continue its investigation on those still missing and the circumstances surrounding the matter.

"The Commission expresses the hope that the cooperation between the ICRC and the Government of Indonesia will continue. It calls upon the Indonesian authorities to ensure that those East Timorese in custody are treated humanely and that their rights are fully respected, and to take further appropriate measures aimed at early release of those convicted.

"The Commission is encouraged by the greater access recently granted by the Indonesian authorities to human rights and humanitarian organizations as well as international media, and calls upon them to continue this policy of expanding access.

"The Commission welcomes the undertaking by the Government of Indonesia to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit East Timor and to submit his report at its fifty-first session. In the same spirit, the Commission takes note of the intention of the Government of Indonesia to continue to cooperate with other relevant thematic special rapporteurs and/or working groups, and to invite them to visit East Timor when necessary for the fulfilment of their duties.

"The Commission welcomes the current dialogue between Indonesia and Portugal under the auspices of the United Nations Secretary-General and encourages him to continue his good offices in order to achieve a just, comprehensive and internationally acceptable settlement to the question of East Timor. In this context, the Commission stresses the importance of the understanding reached on confidence-building measures between the two Governments and welcomes the recent mission undertaken by Mr. Francese Vendrell as representative of the Secretary-General in order to promote further progress in that dialogue.

"The Commission requests the Secretary-General to keep it informed on the situation of human rights in East Timor and will consider it at its fifty-first session."

Situation of human rights in Jammu and Kashmir

483. On 28 February 1994, a draft resolution (E/CN.4/1994/L.40) was submitted by Pakistan. Bosnia and Herzegovina* and Saudi Arabia* subsequently joined the sponsor. The draft resolution read as follows:

"Situation of human rights in Jammu and Kashmir

"The Commission on Human Rights,

"*Recognizing* the need for the universal promotion and protection of fundamental human rights as defined in the Universal Declaration of Human Rights and other instruments, covenants and declarations on human rights,

"*Noting* the persistent and well-documented reports of massive human rights violations in Jammu and Kashmir,

"1. *Reaffirms* the fundamental human rights of the people of Jammu and Kashmir;

"2. *Expresses its grave concern* at the gross and consistent violations of the human rights of the people of Jammu and Kashmir;

"3. *Decides* to send a fact-finding mission to Jammu and Kashmir to investigate and report on the human rights situation there to the General Assembly at its forty-ninth session;

"4. *Also decides* to consider the situation of human rights in Jammu and Kashmir at its fifty-first session."

484. At the 64th meeting, on 9 March 1994, the Chairman stated that a request had been received to postpone consideration of draft resolution E/CN.4/1994/L.40 to the 65th meeting.

485. Statements in connection with the request were made by the representatives of India, the Islamic Republic of Iran and Pakistan.

486. The Commission decided to postpone consideration of draft resolution E/CN.4/1994/L.40.

487. At the 65th meeting, on 9 March 1994, the representative of the Islamic Republic of Iran made a statement in connection with draft resolution E/CN.4/1994/L.40, requesting the representative of Pakistan not to insist on action on the draft resolution at the current session.

488. Statements in connection with the statement made by the representative of the Islamic Republic of Iran were made by the representatives of Australia, Brazil, China, Colombia, Costa Rica, Guinea-Bissau, India, Indonesia, the Islamic Republic of Iran, the Libyan Arab Jamahiriya, Malawi, Malaysia, Mauritania, Mexico, Nigeria, the Syrian Arab Republic and Tunisia.

489. The representative of Pakistan responded positively to the request.

490. The Commission decided without a vote to take no action on the draft resolution.

491. A statement in explanation of his delegation's position was made by the representative of the Syrian Arab Republic.

492. For the text as adopted, see chapter II, section B, decision 1994/109.

Cooperation with representatives of United Nations human rights bodies

493. At the 64th meeting, on 9 March 1994, the representative of Hungary introduced draft resolution E/CN.4/1994/L.77, sponsored by Australia, Austria, Costa Rica, the Czech Republic*, the Gambia*, Hungary, Sweden* and Switzerland*. Canada, Chile, Haiti* and the United States of America subsequently joined the sponsors.

494. The draft resolution was adopted without a vote.

495. For the text as adopted, see chapter II, section A, resolution 1994/70.

Situation in Equatorial Guinea

496. At the same meeting, the representative of Costa Rica introduced draft resolution E/CN.4/1994/L.78, sponsored by his delegation. Switzerland* and Uruguay* subsequently joined the sponsor.

497. The Commission decided to postpone consideration of the draft resolution.

498. At the 66th meeting, on 9 March 1994, the Commission resumed consideration of draft resolution E/CN.4/1994/L.78.

499. The representative of Costa Rica orally revised the draft resolution as follows:

(a) In the sixth preambular paragraph, the words "pluralistic nature" were replaced by the word "transparency";

(b) In the seventh preambular paragraph, the words "there are continued reports that" were inserted after "the fact that";

(c) In operative paragraph 2, the words "continued reports of" were inserted after the word "at";

(d) In operative paragraph 7, the words "to re-open" were replaced by the words "to continue".

500. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

501. The draft resolution was adopted without a vote.

502. For the text as adopted, see chapter II, section A, resolution 1994/89.

Situation of human rights in Cuba

503. At the 64th meeting, on 9 March 1994, the representative of the United States of America introduced draft resolution E/CN.4/1994/L.79,

sponsored by Albania*, Australia, Belgium*, Bulgaria, Canada, the Czech Republic*, Denmark*, Finland, France, the Gambia*, Germany, Hungary, Iceland*, Ireland*, Japan, Kuwait*, Lithuania*, Luxembourg*, the Netherlands, Nicaragua*, Norway*, Poland, Portugal*, the Republic of Korea, Romania, Slovakia*, Slovenia*, Sweden*, the United Kingdom of Great Britain and Northern Ireland and the United States of America. El Salvador* subsequently joined the sponsors.

504. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

505. The representative of Cuba raised a question in connection with the statement made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council and a representative of the secretariat made a statement in reply.

506. A statement was made by the representative of Cuba before the vote.

507. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution.

508. The draft resolution was adopted by 24 votes to 9, with 20 abstentions. The voting was as follows:

In favour: Australia, Austria, Bulgaria, Canada, Chile, Costa Rica, Cyprus, Ecuador, Finland, France, Germany, Hungary, Italy, Japan, Mauritius, Netherlands, Pakistan, Poland, Republic of Korea, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: China, Cuba, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Sudan, Syrian Arab Republic.

Abstaining: Angola, Bangladesh, Barbados, Brazil, Cameroon, Colombia, Côte d'Ivoire, Gabon, Kenya, Lesotho, Malawi, Malaysia, Mauritania, Mexico, Nigeria, Peru, Sri Lanka, Togo, Tunisia, Venezuela.

509. Statements in explanation of their delegations' positions were made by the representatives of Chile and the Libyan Arab Jamahiriya after the vote.

510. For the text as adopted, see chapter II, section A, resolution 1994/71.

Situation of human rights in the territory of the former Yugoslavia: violations of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

511. At the same meeting, the representative of the United States of America introduced draft resolution E/CN.4/1994/L.80, sponsored by Australia, Austria,

Bulgaria, Denmark*, France, Hungary, Ireland*, Italy, Japan, Norway*, Poland, Slovenia*, Sweden*, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Belgium*, Canada, Chile, the Czech Republic*, Finland, Germany, Guinea-Bissau, Iceland*, Liechtenstein*, Luxembourg*, the Netherlands, New Zealand*, Portugal*, Romania, Slovakia*, Spain* and Switzerland* subsequently joined the sponsors.

512. The representative of the United States of America orally revised the draft resolution as follows:

(a) In the eleventh preambular paragraph, the words "its Co-Chairmen and Steering Committee" were replaced by the words "including the Co-Chairmen and members of the Steering Committee of the International Conference on the Former Yugoslavia";

(b) In operative paragraph 24, after the word "proposal", the words "contained in the report on the visit to former Yugoslavia of a member" were deleted; after the words "Involuntary Disappearances", the words "to establish a special procedure" were deleted; and the words "under the joint responsibility of a member of the Working Group and the Special Rapporteur" were replaced by the words "and requests the Working Group, represented by one of its members, to cooperate as appropriate with the Special Rapporteur in dealing with this issue".

513. Statements in connection with the draft resolution were made by the representatives of Bangladesh and Malaysia.

514. Statements in explanation of their delegations' positions were made by the representatives of Indonesia and Pakistan.

515. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

516. The draft resolution, as orally revised, was adopted without a vote.

517. For the text as adopted, see chapter II, section A, resolution 1994/72.

Situation of human rights in the Islamic Republic of Iran

518. At the 65th meeting, on 9 March 1994, the observer for Greece introduced on behalf of the European Union draft resolution E/CN.4/1994/L.81, sponsored by Austria, Belgium*, Canada, Denmark*, Finland, France, Germany, Greece*, Ireland*, Italy, Japan, Liechtenstein*, Luxembourg*, the Netherlands, Norway*, Portugal*, Spain*, Sweden*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Australia, Costa Rica and Iceland* subsequently joined the sponsors.

519. A statement in connection with the draft resolution was made by the representative of the Islamic Republic of Iran.

520. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

521. At the request of the representative of the Islamic Republic of Iran, a roll-call vote was taken on the draft resolution.

522. The draft resolution was adopted by 22 votes to 11, with 19 abstentions. The voting was as follows:

In favour: Australia, Austria, Barbados, Brazil, Canada, Chile, Costa Rica, Ecuador, Finland, France, Germany, Italy, Japan, Malawi, Mauritius, Mexico, Netherlands, Peru, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela.

Against: Bangladesh, China, Cuba, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Pakistan, Sudan, Syrian Arab Republic.

Abstaining: Angola, Bulgaria, Cameroon, Colombia, Côte d'Ivoire, Cyprus, Gabon, Guinea-Bissau, Kenya, Lesotho, Mauritania, Nigeria, Poland, Republic of Korea, Romania, Sri Lanka, Togo, Tunisia, Uruguay.

523. Statements in explanation of their delegations' positions were made after the vote by the representatives of the Libyan Arab Jamahiriya and the Republic of Korea.

524. For the text as adopted, see chapter II, section A, resolution 1994/73.

Situation of human rights in Iraq

525. At the same meeting, the observer for Greece introduced on behalf of the European Union draft resolution E/CN.4/1994/L.82, sponsored by Austria, Belgium*, Canada, Denmark*, Finland, France, Germany, Greece*, Hungary, Ireland*, Italy, Japan, Kuwait*, Liechtenstein*, Luxembourg*, the Netherlands, Norway*, Portugal*, Spain*, Switzerland* and the United Kingdom of Great Britain and Northern Ireland. Australia, the Czech Republic*, Iceland*, Slovakia*, Sweden* and the United States of America subsequently joined the sponsors.

526. A statement in connection with the draft resolution was made by the observer for Iraq.

527. A statement in explanation of vote before the vote was made by the representative of the Sudan.

528. In accordance with rule 28 of the rules of procedure of functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

529. At the request of the representative of the Sudan, a roll-call vote was taken on the draft resolution.

530. The draft resolution was adopted by 34 votes to 1, with 18 abstentions. The voting was as follows:

In favour: Australia, Austria, Barbados, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Cyprus, Ecuador, Finland, France, Gabon, Germany, Hungary, Indonesia, Iran (Islamic Republic of), Italy, Japan, Malawi, Mauritius, Mexico, Netherlands, Peru, Poland, Republic of Korea, Romania, the Russian Federation, Syrian Arab Republic, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Venezuela.

Against: Sudan

Abstaining: Angola, Bangladesh, Cameroon, China, Côte d'Ivoire, Cuba, Guinea-Bissau, India, Kenya, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Pakistan, Sri Lanka, Togo, Tunisia.

531. The representative of Indonesia subsequently indicated that he had intended to abstain in the voting.

532. Statements in explanation of vote after the vote were made by the representatives of Indonesia and the Syrian Arab Republic.

533. For the text as adopted, see chapter II, section A, resolution 1994/74.

Situation of human rights in China

534. At the same meeting, the observer for Greece introduced on behalf of the European Union a draft resolution (E/CN.4/1994/L.83), sponsored by Belgium*, Denmark*, France, Germany, Greece*, Ireland*, Italy, Luxembourg*, the Netherlands, Norway*, Portugal*, Spain*, Sweden*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Australia, Canada, Finland, Iceland*, Japan and Liechtenstein* subsequently joined the sponsors. The draft resolution read as follows:

"Situation of human rights in China

"The Commission on Human Rights,

"Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

"Recalling that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field, as most recently reaffirmed in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights,

"Taking note of some recent positive developments in the situation of human rights in China, including the most recent release of some political prisoners, and steps toward beginning reform of the Chinese legal system,

"Concerned, however, at the continuing reports of violations of human rights and fundamental freedoms in China, as well as inadequate protection of the distinct cultural, religious and ethnic identity of the Tibetans and of other persons belonging to minorities,

"Taking note of the reports of the Special Rapporteurs on the question of torture (E/CN.4/1994/31), extrajudicial, summary or arbitrary executions (E/CN.4/1994/7) and on the question of religious intolerance (E/CN.4/1994/79), as well as the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26),

"1. Expresses concern over continuing reports of violations of human rights and fundamental freedoms in China, including torture, and severe restrictions on the rights of freedom of expression, religion, assembly, association and to a fair trial;

"2. Calls upon the Government of the People's Republic of China to take further measures to ensure the full observance of all human rights, including the rights of women;

"3. Invites the Government of the People's Republic of China to continue to cooperate with all special rapporteurs and working groups;

"4. Requests the Secretary-General to bring the present resolution to the attention of the Government of the People's Republic of China and to prepare a report for the Commission on Human Rights at its fifty-first session on the situation of human rights in China on the basis of available information, including the reports of the Special Rapporteurs, Working Groups and treaty bodies, as well as any other relevant information."

535. Under rule 65, paragraph 2, of the rules of procedure of functional commissions of the Economic and Social Council, the representative of China moved that the Commission take no decision on draft resolution E/CN.4/1994/L.83.

536. Statements in connection with that motion were made by the representatives of Cuba, the Islamic Republic of Iran, Mauritania, Nigeria, Pakistan, Sri Lanka, the Syrian Arab Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

537. At the request of the representative of China, a roll-call vote was taken on the motion.

538. The motion was adopted by 20 votes to 16, with 17 abstentions. The voting was as follows:

In favour: Angola, Bangladesh, Cameroon, China, Côte d'Ivoire, Cuba, Gabon, India, Indonesia, Iran (Islamic Republic of), Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Pakistan, Sri Lanka, Sudan, Syrian Arab Republic, Togo.

Against: Australia, Austria, Bulgaria, Canada, Costa Rica, Finland, France, Germany, Guinea-Bissau, Hungary, Italy, Japan, Netherlands, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America.

Abstaining: Barbados, Brazil, Chile, Colombia, Cyprus, Ecuador, Lesotho, Malawi, Mauritius, Mexico, Peru, Poland, Republic of Korea, Romania, Tunisia, Uruguay, Venezuela.

539. Statements in explanation of vote after the vote were made by the representatives of Cameroon, Mauritius and the Russian Federation.

540. For the text as adopted, see chapter II, section B, decision 1994/108.

Situation of human rights in Bosnia and Herzegovina

541. At the same meeting, under rule 65, paragraph 1, of the rules of procedure of the functional commissions of the Economic and Social Council, the representative of the Russian Federation proposed that, in view of the adoption of resolution 1944/72, the Commission not vote on draft resolutions E/CN.4/1994/L.84 and E/CN.4/1994/L.85/Rev.1.

542. At the request of the representative of Cuba, a roll-call vote was taken on the proposal.

543. The proposal was rejected by 26 votes to 15, with 11 abstentions. The voting was as follows:

In favour: Australia, Brazil, Canada, Cyprus, Finland, France, Hungary, Italy, Japan, Netherlands, Poland, Romania, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America.

Against: Bangladesh, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Ecuador, Guinea-Bissau, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Mauritania, Mauritius, Nigeria, Pakistan, Peru, Sudan, Syrian Arab Republic, Tunisia, Uruguay.

Abstaining: Angola, Austria, Barbados, Bulgaria, Germany, India, Mexico, Republic of Korea, Sri Lanka, Togo, Venezuela.

544. At the same meeting, the representative of Pakistan introduced draft resolution E/CN.4/1994/L.84, sponsored by Bangladesh, Brunei Darussalam*, Indonesia, the Islamic Republic of Iran, Jordan*, Malaysia, Mauritania, Oman*, Pakistan, Qatar*, Senegal*, the Sudan and Tunisia. Afghanistan*, Albania*, Algeria*, Austria, Bahrain*, Bosnia and Herzegovina*, Chile, Kuwait*, Morocco*, Saudi Arabia*, Turkey* and the United Arab Emirates* subsequently joined the sponsors.

545. Statements in explanation of vote before the vote were made by the representatives of the Russian Federation and the United States of America.

546. At the request of the representative of the Russian Federation, a roll-call vote was taken on the draft resolution.

547. The draft resolution was adopted by 41 votes to 1, with 10 abstentions. The voting was as follows:

In favour:	Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Ecuador, Finland, Gabon, Germany, Guinea-Bissau, Hungary, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mauritius, Mexico, Netherlands, Nigeria, Pakistan, Peru, Republic of Korea, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, Uruguay, Venezuela.
Against:	Russian Federation.
Abstaining:	Cyprus, France, India, Italy, Japan, Malawi, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

548. Statements in explanation of vote after the vote were made by the representatives of Germany and the Netherlands.

549. For the text as adopted, see chapter II, section A, resolution 1994/75.

Situation of human rights in Kosovo

550. On 4 March 1994, a draft resolution (E/CN.4/1994/L.85) was submitted by Bangladesh, Indonesia, the Islamic Republic of Iran, Jordan*, Malaysia, Oman*, Pakistan, Qatar*, Senegal*, the Sudan and Tunisia, reading as follows:

"Situation of human rights in Kosovo

"The Commission on Human Rights,

"Guided by the Charter of the United Nations, the principle of a people's right to self-determination, the Universal Declaration of Human Rights and the International Conventions on Human Rights;

"Recalling its resolutions 1992/S.1/1 of 14 August 1992 and 1993/7 of 23 February 1993, and decision 1992/103 of 13 August 1992 and resolution 1993/3 of 20 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Noting the reports of the Special Rapporteur on the former Yugoslavia on the situation in Kosovo and other alarming information from reliable sources who observed, notably:

"(a) Police brutality against ethnic Albanians, arbitrary searches, seizures and arrests, forced evictions, torture and ill-treatment of detainees and discrimination in the administration of justice;

"(b) Discriminatory and arbitrary dismissals of ethnic Albanian civil servants, notably from the ranks of the police and the judiciary, mass dismissals of ethnical Albanians, discrimination against Albanian pupils and teachers of primary schools, the closing of the Albanian-language secondary schools and university, as well as the closing of Albanian cultural and scientific institutions;

"(c) The imprisonment of ethnic Albanian journalists and the prohibition of news media in the Albanian language;

"(d) The dismissals of doctors and other members of the medical profession of Albanian origin from clinics and hospitals;

"(e) The prohibition of the use of the Albanian language, particularly in public administration and services;

"(f) The practice of silent ethnic cleansing of ethnic Albanians from Kosovo, as well as the application of apartheid-like practices,

"1. Strongly condemns the discriminatory measures and practices, as well as the violations of human rights, committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) against ethnic Albanians in Kosovo;

"2. Urgently demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

"(a) Cease all human rights violations, discriminatory measures and practices against ethnic Albanians in Kosovo, in particular arbitrary detention, summary executions and the practice of torture and other cruel, inhuman and degrading treatment;

"(b) To release all political prisoners and to cease all persecution of political leaders and members of local human rights organizations;

"(c) To establish the democratic institutions of Kosovo and to respect the will of its people as the best means of preventing the escalation of the conflict there;

"(d) To cooperate with the Conference on Security and Cooperation in Europe to enable the immediate return of its long-term mission to Kosovo;

"3. Urges the Security Council to follow up its resolution 855 (1993) of 9 August 1993, and requests the Secretary-General to explore ways and means to re-establish an adequate international presence in Kosovo;

"4. Requests the Secretary-General to report on the implementation of the present resolution at the forty-ninth session of the General Assembly."

551. At the 65th meeting, on 9 March 1994, the representative of Pakistan introduced a revised draft resolution (E/CN.4/1994/L.85/Rev.1), sponsored by the same States as draft resolution E/CN.4/1994/L.85 and also by Albania*, Bahrain*, Bosnia and Herzegovina*, Chile, Germany, Ireland*, Kuwait*, Mauritius, Saudi Arabia* and Turkey*, Algeria*, Austria, Croatia* and the Gambia* subsequently joined the sponsors.

552. The representative of Pakistan orally revised the draft resolution as follows:

(a) In the first preambular paragraph, the word "and" after "Declaration of Human Rights" was replaced by a comma;

(b) In the fourth preambular paragraph, subparagraph (d), after the words "doctors and" the word "other" was deleted and before the words "the medical profession", the words "other categories of" were inserted.

553. The representative of the Russian Federation stated that he would not participate in the vote on the draft resolution.

554. The draft resolution, as orally revised, was adopted without a vote.

555. A statement in explanation of his delegation's position was made by the representative of India.

556. For the text as adopted, see chapter II, section A, resolution 1994/76.

Rape and abuse of women in the territory of the former Yugoslavia

557. On 4 March 1994, a draft resolution (E/CN.4/1994/L.86) was submitted by Brunei Darussalam*, the Islamic Republic of Iran, Jordan*, Kuwait*, Malaysia, Pakistan, Senegal* and the Sudan, reading as follows:

"Rape and abuse of women in the territory of the former Yugoslavia

"The Commission on Human Rights,

"Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the

International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other instruments of international humanitarian law, including the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

"Recalling General Assembly resolution 3074 (XVIII) of 3 December 1973, entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity",

"Recalling its resolution 1993/8 of 23 February 1993, entitled "Rape and abuse of women in the territory of the former Yugoslavia" and General Assembly resolution 48/143 of 20 December 1993, entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia",

"Reaffirming the relevant Security Council resolutions, in particular resolution 798 (1992) of 18 December 1992 in which, inter alia, the Council strongly condemned those acts of unspeakable brutality,

"Noting with deep concern the reports on the findings of the Special Rapporteur and the Secretary-General, assisted by the staff of the Special Rapporteur, regarding rape and abuse of women in the territory of the former Yugoslavia, particularly in the Republic of Bosnia and Herzegovina,

"Convinced that this heinous practice constitutes a deliberate weapon of war in fulfilling the policy of ethnic cleansing carried out by Serbian forces in the Republic of Bosnia and Herzegovina, and noting General Assembly resolution 47/121 of 18 December 1992, in which the Assembly stated, inter alia, that the abhorrent policy of ethnic cleansing was a form of genocide,

"Welcoming the establishment of an International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1992, in pursuance of Security Council resolutions 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993,

"Desirous of ensuring that persons accused of upholding and perpetrating rape and sexual violence as a weapon of war in the areas of armed conflict in the former Yugoslavia will be brought to justice by the International Tribunal where appropriate,

"Recognizing the extraordinary suffering of the victims of rape and sexual violence and the necessity for an appropriate response to provide assistance to those victims, "Deeply alarmed at the situation facing victims of rape in the conflicts in different parts of the world, in particular in the Republic of Bosnia and Herzegovina, and the continuing use of rape as a weapon of war,

"Noting with appreciation the work of humanitarian organizations aimed at supporting the victims of rape and abuse and alleviating their suffering,

"Taking into account resolution 37/7 of 25 March 1993 of the Commission on the Status of Women,

"Expressing its appreciation to the Secretary-General for his report entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia" (A/48/858),

"Commending the Special Rapporteur for his report on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1994/47),

"1. Strongly condemns the abhorrent practice of rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia which constitutes a war crime;

"2. Expresses its outrage that the practice of rape is being used as a weapon of war and an instrument of ethnic cleansing against the women and children in the former Yugoslavia, in particular against Muslim women and children in Bosnia and Herzegovina;

"3. Demands that those involved immediately cease those outrageous acts, which are in gross violation of international humanitarian law, including the Geneva Conventions of 1949 and the Additional Protocols thereto, and take immediate action to ensure the enjoyment of human rights and fundamental freedoms in accordance with their obligations under those instruments and other applicable international human rights instruments;

"4. Urges all States Members of the United Nations to take joint and separate action, in cooperation with the United Nations, to bring about an end to this despicable practice;

"5. Reaffirms that all persons who perpetrate or authorize crimes against humanity and other violations of international humanitarian law are individually responsible for those violations, and that those in positions of authority who have failed adequately to ensure that persons under their control comply with the relevant international instruments are accountable together with the perpetrators;

"6. Urges States Members of the United Nations to exert every effort to bring to justice, in accordance with internationally recognized principles of due process, all those individuals directly or indirectly involved in these outrageous international crimes;

"7. Endorses the decision of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia to allow the Commission of Experts established under Security Council resolution 780 (1992) to take the lead on special studies of this issue to avoid duplication but to continue to pay attention to the widespread occurrence of rape, particularly in Bosnia and Herzegovina;

"8. Supports the Commission of Experts in its initiative to investigate the issue of systematic rape of women in the former Yugoslavia through its envisaged Plan of Action in which special emphasis will be given to allegations of sexual assault;

"9. Urges the Commission of Experts to treat its investigation on this issue as a matter of priority, and welcomes its intention to reflect the results of its study in its final report expected to be submitted by the end of April 1994;

"10. Calls on all States that host refugees from the former Yugoslavia to provide the necessary assistance to the Commission of Experts in its efforts to interview or otherwise collect evidence for its investigation of the systematic practice of rape of women;

"11. Urges all States and all relevant intergovernmental and non-governmental organizations, including the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the World Health Organization, to continue to provide to the victims of such rape and abuse appropriate assistance for their physical and mental rehabilitation;

"12. Requests the Secretary-General to continue providing such necessary means as are available to him in the area to enable the Commission of Experts and the Special Rapporteur to perform their missions in this respect;

"13. Decides to remain seized of this matter."

558. At the 65th meeting, on 9 March 1994, the representative of Malaysia introduced a revised draft resolution (E/CN.4/1994/L.86/Rev.1), sponsored by the same States as draft resolution E/CN.4/1994/L.86 and also by Albania*, Bahrain*, Bangladesh, Bosnia and Herzegovina*, Chile, Germany, Ireland*, Malawi, Mauritius, Saudi Arabia*, Sweden*, the Syrian Arab Republic and Turkey*. Afghanistan*, Australia, Austria, Bulgaria, Canada, Colombia, Costa Rica, Denmark*, France, Finland, the Gambia*, Guinea-Bissau, Iceland*, Indonesia, Italy, Liechtenstein*, Luxembourg*, Morocco*, Myanmar*, the Netherlands, New Zealand*, Norway*, Peru, the Philippines*, the Republic of Korea, Spain*, Switzerland*, Tunisia, the United Kingdom of Great Britain and Northern Ireland and Uruguay subsequently joined the sponsors.

559. The representative of the Russian Federation requested a separate vote on the sixth preambular paragraph.

560. The representative of Cuba requested a roll-call vote on the paragraph.

561. The paragraph was retained by 48 votes to none, with 5 abstentions. The voting was as follows:

In favour: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Germany, Guinea-Bissau, Hungary, Indonesia, Iran (Islamic Republic of), Italy, Japan, Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Netherlands, Nigeria, Pakistan, Peru, Republic of Korea, Sudan, Syrian Arab Republic, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: None.

Abstaining: India, Poland, Romania, Russian Federation, Sri Lanka.

562. The draft resolution was adopted without a vote.

563. For the text as adopted, see chapter II, section A, resolution 1994/77.

Situation of human rights in Togo

564. At the same meeting, the representative of Germany introduced draft resolution E/CN.4/1994/L.87, sponsored by France and Germany. Belgium*, the Czech Republic*, Denmark*, Greece*, Hungary, Ireland*, Italy, Luxembourg*, the Netherlands, Portugal*, Spain* and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

565. The representative of Guinea-Bissau proposed the following amendment:

(a) In operative paragraph 10, the word "relevant" was inserted before the words "agenda item";

(b) In the same paragraph, the words "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories" were deleted.

566. The representatives of China, Cuba and Nigeria made statements in connection with the draft resolution and the proposed amendments.

567. The representative of Germany agreed to the proposed amendments.

568. The draft resolution, as amended, was adopted without a vote.

569. For the text as adopted, see chapter II, section A, resolution 1994/78.

Situation of human rights in the Sudan

570. At the same meeting, the representative of the United States of America introduced draft resolution E/CN.4/1994/L.90, sponsored by Australia, Austria, Belgium*, Canada, Denmark*, Finland, France, Germany, Hungary, Ireland*, Italy, Japan, the Netherlands, Norway*, Sweden*, the United Kingdom of Great Britain and Northern Ireland and the United Stated of America. Luxembourg*, Mauritius, Poland, Portugal*, Spain* and Switzerland* subsequently joined the sponsors.

571. The representative of the Sudan made a statement in connection with the draft resolution.

572. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

573. The representative of the Sudan requested a roll-call vote on the draft resolution.

574. The draft resolution was adopted by 35 votes to 9, with 9 abstentions. The voting was as follows:

In favour: Angola, Australia, Austria, Barbados, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Ecuador, Finland, France, Gabon, Germany, Hungary, Italy, Japan, Lesotho, Malawi, Mauritius, Mexico, Netherlands, Peru, Poland, Republic of Korea, Romania, Russian Federation, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Bangladesh, China, Cuba, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Sudan, Syrian Arab Republic.

Abstaining: Cameroon, Guinea-Bissau, Kenya, Malaysia, Mauritania, Nigeria, Pakistan, Sri Lanka, Togo.

575. At the 66th meeting, on 9 March 1994 a statement in explanation of vote after the vote was made by the representative of the Libyan Arab Jamahiriya.

576. For the text as adopted, see chapter II, section A, resolution 1994/79.

Situation of human rights in Haiti

577. At the same meeting, the representative of Venezuela introduced draft resolution E/CN.4/1994/L.91, sponsored by Argentina*, Austria, Barbados, Belgium*, Brazil, Chile, Colombia, Costa Rica, Denmark*, Ecuador, Finland, France, Germany, Haiti*, Hungary, Ireland*, Italy, Japan, Luxembourg*, Mexico, the Netherlands, Norway*, Peru, Portugal*, Senegal*, Spain*, Sweden*, Switzerland*, Uruguay and Venezuela. Australia, Cameroon, Canada, Cuba,

Greece*, Jamaica*, Turkey*, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

578. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

579. The draft resolution was adopted without a vote.

580. For the text as adopted, see chapter II, section A, resolution 1994/80.

Human rights violations in Bougainville

581. On 4 March 1994, a draft resolution (E/CN.4/1994/L.93) was submitted by Guinea-Bissau and Nigeria. The Gambia* subsequently joined the sponsors. The draft resolution read as follows:

"Human rights violations in Bougainville

"The Commission on Human Rights,

"Guided by the relevant provisions of the Charter of the United Nations and the Universal Declaration of Human Rights, with particular reference to the Geneva Conventions relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907,

"Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

"Reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights,

"Recalling that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect and observance of human rights and fundamental freedoms,

"Mindful of its responsibility under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

"Recognizing that popular participation in its various forms is an important factor in the full realization of all human rights, "Recognizing also that action by civil defence forces has in some cases jeopardized the enjoyment of human rights and fundamental freedoms,

"Conscious that, in various situations, indigenous people are unable to enjoy their inalienable human rights and fundamental freedoms,

"Seriously concerned about the persistence of an alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in Bougainville,

"Welcoming the invitation extended by the Government of Papua New Guinea to the European Economic Community - African Caribbean and Pacific Joint Assembly, as well as some other relevant international observers, but remaining disappointed that such access has in the past been consistently denied,

"Bearing in mind the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment approved by the General Assembly in resolution 43/173 of 9 December 1988 and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, endorsed by the General Assembly in its resolution 44/162 of 15 December 1989,

"Noting the provisions of the Convention on the Rights of the Child, which acknowledges that there are in all parts of the world children living in especially difficult conditions and that special attention should be granted to those children,

"Noting also General Assembly resolution 44/88 of 8 December 1989, in which the Assembly proclaimed 1994 as the International Year of the Family,

"Recalling Sub-Commission on the Prevention of Discrimination and the Protection of Minorities resolution 1992/19 of 27 August 1992,

"Also recalling Commission on Human Rights resolution 1993/76 of 10 March 1993,

"Having heard the comments made during the fiftieth session of the Commission,

"Having examined the report of the Secretary-General on the situation in Bougainville (E/CN.4/1994/60),

"Concerned that information from the Government of Papua New Guinea has not been provided to the Commission on actions it has taken during the past year,

"Concerned also at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms, "Recognizing that Bougainville's tragic recent history requires special measures to assure the protection of human rights,

"Emphasizing that it is essential to put an end to the serious deterioration of the human rights situation in Bougainville, in particular arbitrary arrests and detentions, summary executions, torture and inhuman treatment, forced population displacements, restrictions on essential medical and other essential needs and serious shortcomings in the administration of justice,

"Stressing the need to put an end to impunity of persons responsible for human rights violations.

"1. Welcomes the statement by the Government of Papua New Guinea at the General Assembly at its forty-eighth session that it is prepared to commence negotiations with representatives of the Bougainville people, but regrets that there has been no progress towards such negotiations by the Government;

"2. Also welcomes the call for peace and negotiations by the Bougainville Peace Conference Planning Group but regrets the lack of response from the Government of Papua New Guinea to this initiative for peace;

"3. Once again urges all parties to undertake all possible efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Bougainville;

"4. Once again calls upon all parties to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population;

"5. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Bougainville, and calls on all parties to respect human rights;

"6. Expresses concern at the lack of progress in efforts to end the armed conflict and to find a comprehensive political solution to the conflict;

"7. Expresses deep concern at the reports of serious human rights violations in Bougainville, including summary execution, torture, rape, disappearances, forced displacement of peoples, ill-treatment and the use of weapons against civilian populations;

"8. Also expresses deep concern at the deliberate impeding of the delivery of medical and other items of a humanitarian nature essential for the civilian population, which constitutes a violation of international humanitarian law, and demands that all parties to the conflict ensure that persons under their control cease all interference with deliveries of humanitarian supplies;

"9. Urges the Government of Papua New Guinea to invite promptly the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture to conduct on-site investigations in Bougainville;

"10. Also urges the Government of Papua New Guinea to extend its full cooperation to the thematic rapporteurs of the Commission on Human Rights;

"11. Requests the Secretary-General to appoint a special representative:

"(a) To establish direct contact with the Government of Papua New Guinea and representatives of the people of Bougainville to investigate the situation of human rights in Bougainville, including any progress made towards the full restoration of human rights and compliance with international human rights instruments and international humanitarian law;

"(b) To explore ways to promote an end to armed conflict and to facilitate dialogue and negotiations between the parties to the conflict, with a view to reaching a comprehensive, just and lasting solution and the full restoration of human rights;

"(c) To receive credible and reliable information from Governments and non-governmental organizations, to hear witnesses and to use such modalities as he may deem necessary for his mandate;

"(d) To report to the Commission on Human Rights at its fifty-first session;

"12. Decides to consider the situation of human rights in Bougainville at its fifty-first session under the same agenda item."

582. At the 66th meeting, on 9 March 1994, the representative of Nigeria introduced a revised draft resolution (E/CN.4/1994/L.93/Rev.1) with the same sponsors as draft resolution E/CN.4/1994/L.93.

583. The representative of Nigeria orally revised the English text of the draft resolution as follows:

(a) In the third preambular paragraph, after the word "Recognizing" the word "also" was inserted, and the words "freedoms by the indigenous people" were replaced by the words "freedoms of the people";

(b) In the fifth preambular paragraph, the expression "European Economic Community" was replaced by the expression "European Economic Commission";

(c) In the same paragraph after the words "Joint Assembly," the words "as well as some other relevant international observers," were deleted;

(d) In operative paragraph 1, the words "the Bougainville people, but regrets that there has been no progress towards such negotiations by the Government" were replaced by the words "various groups in the province of Bougainville, but regrets that the Government has not advised of any subsequent progress towards such negotiations";

(e) Operative paragraph 2, which read: "Also welcomes the call for peace and negotiations by the Bougainville Peace Conference Planning Group, but regrets a lack of response from the Government of Papua New Guinea to this initiative for peace" was replaced by a new paragraph: "Calls for peace and negotiations between the Government of Papua New Guinea and the various groups in the province of Bougainville to be urgently pursued";

(f) In operative paragraph 3, the word "Also" was inserted before the words "calls upon", the words "strictly to respect" were replaced by the words "to strictly respect", and the words ", as the administrative authority urgently to undertake a" were replaced by the words "to urgently undertake the";

(g) In operative paragraph 4, the words "Also calls upon" were replaced by the words "Further calls upon";

(h) In the same paragraph, before the words "all parties to the conflict" the words "the Government of Papua New Guinea and" were inserted;

(i) In the same paragraph, after the word "conflict" the words ", particularly the administrative authority," were deleted and the word "especially" was replaced by "particularly";

(j) In operative paragraph 7, the words "to appoint a special representative" were replaced by ", in the light of developments between the adoption of this resolution and 30 September 1994, to consider the appropriateness of appointing a special representative whose mandate may include";

(k) In operative paragraph 7 (a), the words "the people of Bougainville" were replaced by the words "the people of the various groups in the Papua New Guinea province of Bougainville".

584. The representative of Papua New Guinea made a statement in connection with the draft resolution.

585. The draft resolution, as orally revised, was adopted without a vote.

586. Statements in explanation of their delegations' positions were made by the representatives of India, Indonesia and the United States of America.

587. For the text as adopted, see chapter II, section A, resolution 1994/81.

Extrajudicial, summary or arbitrary executions

588. At the 66th meeting, on 9 March 1994, the observer for Sweden introduced draft resolution E/CN.4/1994/L.95, sponsored by Argentina*, Australia, Austria, Belgium*, Bulgaria, Canada, Chile, Costa Rica, the Czech Republic*, Denmark*, El Salvador*, Finland, France, Germany, Greece*, Hungary, Iceland*, Ireland*, Italy, Kenya, Liechtenstein*, Luxembourg*, Madagascar*, the Netherlands, New Zealand*, Nicaragua*, Norway*, Peru, the Philippines*, Poland, Portugal*, Romania, the Russian Federation, Rwanda*, Senegal*, Slovakia*, Slovenia*, Spain*, Swaziland*, Sweden*, Switzerland* and the United Kingdom of Great Britain and Northern Ireland. Cyprus, Ethiopia*, Haiti*, Lithuania*, Malta* and the Republic of Korea subsequently joined the sponsors.

589. The representative of the Syrian Arab Republic and the observer for Algeria made statements in connection with the draft resolution.

590. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

591. The draft resolution was adopted without a vote.

592. For the text as adopted, see chapter II, section A, resolution 1994/82.

Situation of human rights in southern Lebanon

593. At the same meeting, the representative of Tunisia introduced draft resolution E/CN.4/1994/L.96, sponsored by Algeria*, Bahrain*, Bangladesh, Cuba, Indonesia, Kuwait*, Lebanon*, Madagascar*, Malaysia, Mauritania, Morocco*, Oman*, Pakistan, Qatar*, Saudi Arabia*, the Sudan, the Syrian Arab Republic, Tunisia and Yemen*. The United Arab Emirates* subsequently joined the sponsors.

594. The representative of Tunisia orally revised the draft resolution as follows:

(a) In the first preambular paragraph the word "Fourth" was added before the words "Geneva Convention";

(b) In the third preambular paragraph, the word "Denouncing" was replaced by "Deploring";

(c) In the fifth preambular paragraph, the words "Israeli violations of human rights in Southern Lebanon" were replaced by the words "violations of human rights in the occupied zone in southern Lebanon";

(d) In operative paragraph 2, the words "relevant resolutions" were replaced by "above-mentioned resolutions";

(e) In operative paragraph 4, the words "all the Lebanese" were replaced by the words "all those Lebanese";

(f) In operative paragraph 4, the words "to international law" were replaced by the words "to other provisions of international law".

595. The representative of the United States of America requested a vote on the draft resolution. At the request of the representative of Tunisia, the vote was taken by roll-call.

596. The draft resolution was adopted by 48 votes to 1, with 3 abstentions. The voting was as follows:

In favour: Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Germany, Hungary, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Netherlands, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against: United States of America.

Abstaining: Angola, Cameroon, Cote d'Ivoire.

597. The representatives of Japan and the Netherlands made statements in explanation of vote after the vote.

598. For the text, as adopted, see chapter II, section A, resolution 1994/83.

Situation of human rights in Afghanistan

599. At the same meeting, the Chairman introduced draft resolution E/CN.4/1994/L.97.

600. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

601. The draft resolution was adopted without a vote.

602. For the text as adopted, see chapter II, section A, resolution 1994/84.

Situation of human rights in Myanmar

603. At the same meeting, the representative of France introduced draft resolution E/CN.4/1994/L.99, sponsored by Austria, Belgium*, Canada, Denmark*, Finland, France, Germany, Greece*, Ireland*, Italy, Luxembourg*, the Netherlands, Norway*, Spain*, and the United Kingdom of Great Britain and Northern Ireland. Australia, Bulgaria, Chile, Hungary, Iceland*, Poland, Portugal*, Slovakia*, Sweden*, Switzerland* and the United States of America subsequently joined the sponsors.

604. The representative of Myanmar made a statement on the draft resolution.

605. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and budget implications 2/ of the draft resolution.

606. The draft resolution was adopted without a vote.

607. The representative of Japan made a statement in explanation of his delegation's position.

608. For the text as adopted, see chapter II, section A, resolution 1994/85.

Situation of human rights in Burundi

609. At the same meeting, the representative of Cameroon introduced draft resolution E/CN.4/1994/L.100, sponsored by Burundi*, Gabon, Guinea-Bissau, Haiti*, Mauritania, Mauritius, Rwanda*, Swaziland* and Zaire*. Belgium, Cameroon, Chile, Ethiopia*, France, the Gambia*, Ghana*, Malawi, Senegal* and the United States of America subsequently joined the sponsors.

610. The representative of Cameroon orally revised the draft resolution as follows:

(a) In the third preambular paragraph, the words "increase in the acts of" before the words "inter-ethnic violence" were deleted;

(b) In the fourth preambular paragraph, the word "fleeing" was replaced by "who have fled". In the same paragraph, after the words "those host countries", the words "and about the large number of persons displaced within the country" were added;

(c) In operative paragraph 1, the word "and" before the words "demands an immediate" was replaced by a comma and the words "military coercion" were replaced by the phrase "calls on all sectors of society, both civilian and military, to respect the Constitution of the country";

(d) In operative paragraph 2, the words "to lend" were replaced by the words "to continue to lend", and the word "massacres" by the word "violence";

(e) In operative paragraph 3, after the words "those persons' safety", the words "and also thanks the international community for its humanitarian assistance to the citizens of Burundi during the crisis" were added;

(f) In operative paragraph 5, the words "the dispatch to Burundi, in support of the Special Representative's action, of a small United Nations fact-finding and advisory group" were replaced by the words "current efforts aimed at setting up an international mission of inquiry charged with establishing the facts surrounding the attempted coup d'état and the resulting violence, and with providing advice";

(g) In operative paragraph 8, the words "coup d'état" were replaced by the words "violations of human rights resulting from the attempted coup d'état";

(h) Operative paragraph 9, reading "Requests the Chairman of the Commission on Human Rights to appoint an independent expert of the Commission with a mandate to prepare a report on the situation of human rights in Burundi on the basis of any information he deems relevant, in particular information from the Organization of African Unity, so as to submit a report to the Commission at its fifty-first session and a report to the General Assembly at its forty-ninth session" was replaced by a new paragraph 9;

(i) Paragraphs 10 and 11, reading:

> "10. Invites the authorities of Burundi to cooperate fully with the independent expert;
>
> "11. Requests the Secretary-General to provide all assistance needed by the independent expert for the discharge of his mandate;"

were deleted;

(j) The following paragraphs were renumbered accordingly;

(k) In the old operative paragraph 12, now operative paragraph 10, the word "requests" was replaced by "encourages", and the words "the Secretary-General to provide" were deleted. The words "with technical assistance" were replaced by the words "to request technical assistance".

611. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to a estimate of the administrative and programme budget implications 2/ of the draft resolution.

612. The draft resolution, as orally revised, was adopted without a vote.

613. For the text as adopted, see chapter II, section A, resolution 1994/86.

Situation of human rights in Zaire

614. On 4 March 1994, a draft resolution (E/CN.4/1994/L.101) was submitted by Austria, Belgium*, Denmark*, Finland, France, Germany, Ireland*, Italy, the Netherlands, Norway*, Portugal* and Spain*, reading as follows:

> "Situation of human rights in Zaire
>
> "The Commission on Human Rights,
>
> "Guided by the principles embodied in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

"Recalling that, under Articles 55 and 56 of the Charter of the United Nations, all States Members of the Organization have an obligation to promote and protect human rights and fundamental freedoms and to cooperate for that purpose,

"Noting also its resolution 1993/61 of 10 March 1993,

"Recalling that, from 1985 to 1989 and from 1991 to 1993, it examined the situation of human rights in Zaire under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970,

"Emphasizing that Zaire is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and People's Rights, as well as to the International Convention on the Elimination of All Forms of Racial Discrimination,

"Reaffirming in this connection the indivisibility of all human rights,

"Having examined the reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7), the Special Rapporteur on torture (E/CN.4/1994/31) and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26 and Add.1),

"Concerned about the persistent seriousness of the situation of human rights in Zaire and, in particular, about the use of force during peaceful gatherings, arbitrary arrests and detentions, summary executions, torture and inhuman treatment in detention centres, serious shortcomings in the administration of justice, which is unable to function independently, violations of freedom of opinion and expression and forced population displacements,

"Seriously concerned in this connection by the reports of the humanitarian inter-agency evaluation mission and of various non-governmental organizations concerning forced displacements of more than 750,000 persons belonging to ethnic minorities, especially in the provinces of Shaba and northern Kivu, as well as the heavy loss of human life and numerous other violations of human rights accompanying such displacements,

"Reiterating its loathing of all forms of racial or ethnic discrimination,

"Stressing that the situation described above is contributing to the worsening of the country's socio-economic and financial situation, in particular that of the most vulnerable groups,

"Re-emphasizing the need to put an end to the impunity of persons responsible for human rights violations, "Concerned about the serious obstacles which still stand in the way of the process of democratic transition and wishing to encourage the efforts being made to guarantee the continuation of this process, in full respect for human rights and fundamental freedoms,

"1. Deplores the continuing serious violations of human rights and fundamental freedoms in Zaire, particularly the practice of torture and cruel, inhuman and degrading treatment or punishment, arbitrary detention and incommunicado detention, inhuman and degrading prison conditions, especially in the detention centres administered by the army, enforced disappearances, summary and arbitrary executions of persons who have exercised their right to freedom of opinion and expression, and denial of the right to a fair trial;

"2. Notes with indignation that the army and the security services have used force against unarmed civilians;

"3. Calls for the cessation of intimidation measures and reprisals against prominent political figures;

"4. Condemns the practice of forced population displacements, particularly in northern Kivu and Shaba, for which the authorities bear primary responsibility;

"5. Condemns all discriminatory measures affecting persons belonging to minority groups;

"6. Calls for full observance of the right to freedom of opinion and expression and freedom of association, assembly and peaceful demonstration;

"7. Recommends that the thematic rapporteurs and working groups of the Commission should continue to keep a close watch on the situation of human rights in Zaire, and inter alia consider the possibility of visiting the country;

"8. Requests the Secretary-General:

"(a) To bring the present resolution to the attention of the Zairian authorities and invite them to provide specific information on its implementation;

"(b) To report to the Commission, at its fifty-first session, on the basis of any information which might be gathered on the situation of human rights in Zaire, including information supplied by non-governmental organizations;

"9. Decides to consider the question again at its fifty-first session under the agenda item 'Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories'."

615. At the 66th meeting on 9 March 1994, the representative of France introduced a revised draft resolution (E/CN.4/1994/L.101/Rev.1), sponsored by the same States as draft resolution E/CN.4/1994/L.101 and also by Australia, Greece*, Switzerland* and Turkey*. Canada, Hungary, Luxembourg*, Sweden*, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

616. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

617. The draft resolution was adopted without a vote.

618. For the text as adopted, see chapter II, section A, resolution 1994/87.

Situation of human rights in Angola

619. At the same meeting, the representative of Cameroon introduced draft resolution E/CN.4/1994/L.102, sponsored by Algeria*, Barbados, Brazil, Cameroon, China, Equatorial Guinea*, Ethiopia*, the Gambia*, Ghana*, Guinea-Bissau, India, Kenya, Madagascar*, Malawi, Mauritania, Nigeria, Pakistan, Portugal*, the Russian Federation, Senegal*, the Sudan, the Syrian Arab Republic, Togo, Tunisia, the United Republic of Tanzania*, Viet Nam*, Zambia* and Zimbabwe*. Angola, Argentina*, Belgium*, Chile, Costa Rica, Gabon, Germany, Greece*, Hungary, the Islamic Republic of Iran, Ireland*, Israel*, Lesotho, Morocco*, Norway*, Spain*, Swaziland*, Sweden*, the United States of America and Zaire* subsequently joined the sponsors.

620. The representative of Cameroon orally revised the draft resolution in operative paragraph 4, by deleting the words ", particularly UNITA," before the words "to honour" and the words "at the talks in Lusaka" before the words "and urges them", and adding the words "and equally refrain from action impeding the delivery of humanitarian aid" at the end of the paragraph.

621. The draft resolution, as orally revised, was adopted without a vote.

622. The representative of Angola made a statement in regard to the draft resolution adopted.

623. For the text as adopted, see chapter II, section A, resolution 1994/88.

A. Question of human rights in Cyprus

624. In relation to agenda item 12 (a), the Commission had before it the report of the Secretary-General provided pursuant to Commission on Human Rights decision 1993/109 (E/CN.4/1994/46).

625. Statements 3/ were made by the following members of the Commission: Austria (52nd), Bulgaria (53rd), China (50th), Cyprus (51st), India (51st and 61st), Japan (60th), Kenya (53rd), Nigeria (51st), Pakistan (60th), Russian Federation (60th), Syrian Arab Republic (60th).

626. The Commission also heard statements by the observers for: Argentina (52nd), Greece (51st), Greece (on behalf of the European Union) (52nd), Myanmar (59th).

627. The observer for Switzerland made a statement (60th).

628. The Commission also heard statements by the following non-governmental organizations: International League for the Rights and Liberation of Peoples (52nd), Inter-Parliamentary Union (50th).

629. Statements in exercise of the right of reply or its equivalent were made by the representative of Cyprus (54th and 57th) and the observers for Greece (57th) and Turkey (52nd, 54th and 57th).

630. At the 66th meeting, on 9 March 1994, the Chairman proposed a draft decision postponing the debate on agenda item 12 (a) to the fifty-first session of the Commission, when it would be given due priority, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General that he provide a report to the Commission regarding their implementation.

631. The draft decision was adopted without a vote.

632. For the text as adopted, see chapter II, section B, decision 1994/110.

B. Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990

633. The Commission considered item 12 (b) in closed session at its 36th and 37th meetings, on 23 February 1994. It had before it for consideration under Economic and Social Council resolution 1503 (XLVIII) the human rights situations in Armenia, Azerbaijan, Chad, Estonia, Germany, Kuwait, Rwanda, Somalia and Viet Nam, as publicly announced by the Chairman. The Chairman also announced that the Commission had decided to discontinue consideration of the human rights situation in Estonia, Germany, Kuwait, Somalia and Viet Nam.

634. The Chairman reminded the members of the Commission that, in conformity with paragraph 8 of Council resolution 1503 (XLVIII), they should not make any reference in public debate to the confidential decisions taken under Council resolution 1503 (XLVIII) nor to any confidential material relating thereto.

635. In accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the regional groups, the Chairman will designate five members to serve in their personal capacity on the Working Group on Situations meeting prior to the fifty-first session of the Commission in 1995.

XIII. MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

636. The Commission considered agenda item 13 concurrently with items 18 and 20 (see chaps. XVIII and XX), at its 20th to 23rd meetings, on 14 and 15 February, and at its 41st meeting, on 25 February 1994. 1/

637. The Commission had before it the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1994/62).

638. In the general debate on agenda item 13, statements 3/ were made by the following members of the Commission: Pakistan (22nd), Russian Federation (21st), Sri Lanka (21st).

639. The Commission also heard statements by the observers for: Estonia (22nd), Morocco (22nd), Philippines (22nd), Turkey (20th).

640. The Commission also heard statements by the following non-governmental organizations: Centre Europe-Tiers Monde (20th), Commission of the Churches on International Affairs of the World Council of Churches (20th), International Association of Educators for World Peace (21st), International Confederation of Free Trade Unions (21st), International Movement against All Forms of Discrimination and Racism (23rd), Third World Movement against the Exploitation of Women (23rd), Women's International League for Peace and Freedom (22nd), World Confederation of Labour (23rd).

641. Statements in exercise of the right of reply or its equivalent were made by the representative of Bangladesh (22nd) and the observer for Viet Nam (22nd).

642. At its 41st meeting, on 25 February 1994, the Commission took up consideration of the draft resolutions submitted under agenda item 13.

643. The representative of Mexico introduced draft resolution E/CN.4/1994/L.25, sponsored by Chile, Colombia, Costa Rica, Croatia*, Cuba, the Czech Republic*, Ecuador, El Salvador*, Ghana*, Guatemala*, Madagascar*, Malawi, Mauritania, Mexico, Morocco*, Pakistan, Peru, the Philippines*, Portugal*, Romania, the Russian Federation, Rwanda*, Sri Lanka, Turkey*, Uruguay, Venezuela and Zambia*. Nigeria, Senegal* and Tunisia subsequently joined the sponsors.

644. The representative of the United States of America requested a vote on the draft resolution. At the request of the representative of Mexico, the vote was taken by roll-call.

645. The draft resolution was adopted by 39 votes to none, with 13 abstentions. The voting was as follows:

In favour: Angola, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Gabon, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, Uruguay, Venezuela.

Against: None.

Abstaining: Australia, Austria, Canada, Finland, France, Germany, Hungary, Italy, Japan, Malaysia, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

646. A statement in explanation of vote after the vote was made by the representative of Germany.

647. For the text, as adopted, see chapter II, section A, resolution 1994/17.

XIV. IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

648. The Commission considered agenda item 14 concurrently with items 5 and 6 (see chaps. V and VI) at its 8th to 12th meetings, from 4 to 8 February, and at its 30th, 31st and 64th meetings, on 18 February and 9 March 1994. 1/

649. The Commission had before it the following documents:

Report of the Secretary-General on the draft programme of action for the Third Decade to Combat Racism and Racial Discrimination (A/48/423);

Note by the Secretary-General transmitting the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/CN.4/1994/63);

Note from the International Labour Office: ILO activity to combat racial discrimination in southern Africa (E/CN.4/1994/64);

Report by Mr. Maurice Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted pursuant to Commission on Human Rights resolution 1993/20 (E/CN.4/1994/66).

650. At the 9th meeting, on 4 February 1994, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance introduced his report (E/CN.4/1994/66) to the Commission.

651. In the general debate on agenda item 14, statements 3/ were made by the following members of the Commission: Australia (11th), Bangladesh (11th), Brazil (8th), China (10th), Cuba (11th), Cyprus (11th), Finland (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (11th), Hungary (9th), Republic of Korea (11th), Romania (11th), Russian Federation (10th), Sudan (9th), United States of America (9th).

652. The Commission also heard statements by the observers for: Algeria (11th), Egypt (12th), Greece (on behalf of the European Union) (11th), Morocco (10th), Senegal (11th), Spain (12th), Turkey (12th).

653. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (12th), Centre Europe-Tiers Monde (10th), International Association against Torture (10th), International Association of Educators for World Peace (12th), International Council of Jewish Women (9th), International Fellowship of Reconciliation (12th), International Movement against All Forms of Discrimination and Racism (10th), Movement against Racism and for Friendship among Peoples (10th), World Jewish Congress (9th).

654. A joint statement was made by the Women's International League for Peace and Freedom (10th) on behalf of the following non-governmental organizations: African Association of Education for Development, International Abolitionist Federation, International Alliance of Women, International Association of Democratic Lawyers, International Council of Jewish Women, International

Federation of Women in Legal Careers, International Indian Treaty Council, International League for the Rights and Liberation of Peoples, International Lesbian and Gay Association, International Movement against All Forms of Discrimination and Racism, International Movement for Fraternal Union among Races and Peoples, International Youth and Student Movement for the United Nations, Movement against Racism and for Friendship among Peoples, Third World Movement against the Exploitation of Women, World Federalist Movement, World Federation of Methodist Women, World Federation of Trade Unions, World Jewish Congress, World Peace Council, Zonta International.

655. At the 12th meeting, on 8 February 1994, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Maurice Glélé-Ahanhanzo, introduced his final observations.

656. At its 30th meeting, on 18 February 1994, the Commission took up consideration of the draft resolutions submitted under agenda item 14.

657. The observer for Senegal introduced draft resolution E/CN.4/1994/L.13, sponsored by Angola, Barbados, Brazil, Burundi*, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Ethiopia*, Gabon, Guatemala*, Haiti*, Indonesia, Kenya, Lesotho, Madagascar*, Malawi, Mauritania, Mauritius, Morocco*, Nigeria, Rwanda*, Senegal*, the Sudan, the Syrian Arab Republic, Togo, Tunisia, the United Republic of Tanzania*, Zambia* and Zimbabwe*. Algeria*, Cuba, Denmark*, France, Jordan*, the Libyan Arab Jamahiriya, Nicaragua*, Norway*, Peru, Spain* and Sri Lanka subsequently joined the sponsors.

658. The observer for Senegal orally revised the draft resolution by replacing in the 17th preambular paragraph and in operative paragraph 10 the words "indigenous peoples" with the words "indigenous populations".

659. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

660. The draft resolution, as orally revised, was adopted without a vote.

661. For the text as adopted, see chapter II, section A, resolution 1994/9.

662. On 16 February 1994, a draft resolution (E/CN.4/1994/L.14) was submitted by Denmark*, Finland, Norway*, Romania, Sweden*, Turkey* and the United Kingdom of Great Britain and Northern Ireland, reading as follows:

"Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

"The Commission on Human Rights,

"Recalling its resolution 1993/20 of 2 March 1993,

"Recalling also General Assembly resolutions 48/91 of 20 December 1993 and 48/148 of 20 December 1993, "Bearing in mind the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given to the Programme of Action for the Elimination of Racism, Racial Discrimination, Xenophobia and Other Forms of Intolerance,

"Noting resolution 1993/3 of 16 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Mindful of the report of the Secretary-General on measures to combat racism and racial discrimination submitted to the Sub-Commission at its forty-fourth session (E/CN.4/Sub.2/1992/11),

"Having examined the first report (E/CN.4/1994/66) of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

"Concerned that despite efforts, racism, racial discrimination, anti-Semitism, xenophobia and related intolerance, as well as acts of racial violence, persist, and are even growing in magnitude, continually assuming new forms,

"Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups,

"1. Expresses its appreciation to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for his report (E/CN.4/1994/66);

"2. Welcomes the proclamation by the General Assembly of the Third Decade to Combat Racism and Racial Discrimination beginning in 1993 and the Programme of Action for the Third Decade;

"3. Also welcomes the Special Rapporteur's proposal concerning the organization of an interdisciplinary seminar on the problems of the theoretical aspects and specific manifestations of contemporary forms of racism, racial discrimination and xenophobia;

"4. Requests the Special Rapporteur to examine, in accordance with his mandate, incidents and governmental measures and to report on these matters to the Commission at its fifty-first session;

"5. Also requests the Special Rapporteur to have an exchange of views with the various relevant mechanisms and treaty bodies within the United Nations system, including the Committee on the Elimination of Racial Discrimination, in order to further enhance their effectiveness and mutual cooperation;

"6. Calls upon all Governments, intergovernmental organizations, relevant organizations of the United Nations system, as well as the non-governmental organizations, to supply information to the Special Rapporteur;

"7. Encourages the Special Rapporteur in close consultation with Governments, relevant organizations of the United Nations system, other intergovernmental organizations and non-governmental organizations to present further recommendations concerning human rights education with a view to preventing actions giving rise to racism and racial discrimination;

"8. Requests the Special Rapporteur to use any information that he might deem relevant to his mandate;

"9. Encourages Governments to cooperate closely with the Special Rapporteur with a view to enabling him to fulfil his mandate;

"10. Regrets that the Special Rapporteur encountered difficulties in preparing his first report, owing to the lack of necessary resources;

"11. Requests the Secretary-General without further delay to provide the Special Rapporteur with all the necessary assistance to carry out his mandate and to enable him to submit a comprehensive report to the Commission at its fifty-first session."

663. At the 31st meeting, on 18 February 1994, the observer for Turkey introduced a revised draft resolution (E/CN.4/1994/L.14/Rev.1) sponsored by Denmark*, Finland, Norway*, Romania, Sweden* and Turkey*. Albania*, Australia, Austria, Belgium*, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Cuba, Hungary, Iceland*, Ireland*, Israel*, Liechtenstein*, Malaysia, Mexico, the Netherlands, New Zealand*, Peru, Poland, the Russian Federation, Slovakia*, Switzerland* and the United States of America subsequently joined the sponsors.

664. The Chairman drew attention to the following correction: the phrase "as established in Commission resolution 1993/20 of 2 March 1993" which appeared at the end of operative paragraph 8 should come after the word "mandate" at the end of paragraph 9.

665. Statements in connection with the draft resolution were made by the representatives of Brazil, Chile, Colombia, the Islamic Republic of Iran, Mauritius, the Sudan and the Syrian Arab Republic.

666. The representative of Mauritius requested that the seventh preambular paragraph be put to the vote.

667. At the request of the representative of the United States of America, the vote was taken by roll-call.

668. The seventh preambular paragraph was retained by 34 votes to none, with 17 abstentions. The voting was as follows:

In favour: Angola, Australia, Austria, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Germany, Hungary, Italy, Japan, Kenya, Malaysia, Mexico, Netherlands, Peru, Poland, Republic of Korea, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: None.

Abstaining: Bangladesh, China, India, Indonesia, Iran (Islamic Republic of), Lesotho, Libyan Arab Jamahiriya, Malawi, Mauritania, Mauritius, Nigeria, Pakistan, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia.

669. The representative of the United States of America proposed that in operative paragraph 4 of the draft resolution the word "anti-Semitism" should be inserted after the words "racial discrimination".

670. The amendment proposed was supported by the representative of the Netherlands.

671. The representative of the Syrian Arab Republic proposed that in operative paragraph 4 the words "anti-Arab and anti-Islam" should be inserted before the word "anti-Semitism", the insertion of which had been proposed by the United States of America.

672. The amendment proposed by the Syrian Arab Republic was supported by the Islamic Republic of Iran and the Sudan.

673. The representative of Germany proposed that in operative paragraph 7 of the draft resolution the word "anti-Semitism" should be inserted after the words "racial discrimination".

674. The representative of the Syrian Arab Republic proposed that in operative paragraph 7 of the draft resolution the words "anti-Arab and anti-Islam" should be inserted before the word "anti-Semitism", the insertion of which had been proposed by Germany.

675. Statements in connection with the draft resolution and proposed amendments were made by the representatives of Brazil, Bulgaria, Kenya, the Libyan Arab Jamahiriya and Peru.

676. The Commission decided to postpone consideration of draft resolution E/CN.4/1994/L.14/Rev.1.

677. At the 64th meeting, on 9 March 1994, the Commission resumed consideration of draft resolution E/CN.4/1994/L.14/Rev.1.

678. The observer for Turkey orally revised the draft resolution as follows:

(a) In operative paragraph 4, the words "any forms of discrimination against Blacks, Arabs and Muslims" were inserted after the words "racial discrimination";

(b) In the same paragraph, the word "anti-Semitism" was inserted after the word "xenophobia".

679. The representative of Nigeria proposed that, in operative paragraph 4, the word "negrophobia" should be inserted after the word "xenophobia".

680. Statements in connection with the revised draft resolution and the proposed amendment were made by the representatives of Brazil, Cuba, Finland and the Russian Federation.

681. Iceland*, Ireland*, Liechtenstein*, the Netherlands, the Russian Federation and Switzerland withdrew their sponsorship of the draft resolution.

682. The representative of Mauritius requested votes on the amendment to the draft resolution proposed by Nigeria and on the revision orally made by Turkey.

683. The representative of Cuba requested a roll-call vote on the amendment proposed by Nigeria.

684. The amendment was adopted by 39 votes to none, with 13 abstentions. The voting was as follows:

In favour: Angola, Bangladesh, Barbados, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Ecuador, France, Gabon, Germany, Guinea Bissau, Hungary, India, Indonesia, Iran (Islamic Republic of), Italy, Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Mauritania, Mexico, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Romania, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Against: None.

Abstaining: Australia, Austria, Brazil, Bulgaria, Canada, Finland, Japan, Malaysia, Mauritius, Netherlands, Russian Federation, United States of America, Venezuela.

685. The delegation of Costa Rica stated that it had not taken part in the vote.

686. At the request of the representative of Mauritius, the revision orally made by Turkey was put to the vote.

687. The revision was accepted by 51 votes to none, with 2 abstentions.

688. The representative of the Sudan made a statement and agreed not to press the amendment proposed by the representative of the Syrian Arab Republic at the 31st meeting, on 18 February 1994, which his delegation had supported.

689. The representatives of France and the Syrian Arab Republic made statements explaining their delegations' positions.

690. The draft resolution, as orally revised and amended, was adopted without a vote.

691. Statements in explanation of vote were made by the representatives of Indonesia and Uruguay.

692. For the text as adopted, see chapter II, section A, resolution 1994/64.

XV. STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

693. The Commission considered agenda item 15 concurrently with items 7, 8 and 16 (see chaps. VII, VIII and XVI) at its 13th to 19th meetings, on 8 to 11 February, and at its 41st meeting, on 25 February 1994. 1/

694. The Commission had before it the following documents:

Report of the Secretary-General (E/CN.4/1994/67);

Report of the Secretary-General on succession and accession of States to international human rights treaties (E/CN.4/1994/68).

695. In the general debate on agenda item 15, statements 1/ were made by the following members of the Commission: Angola (16th), Australia (14th), Austria (15th), Brazil (17th), Chile (17th), Italy (17th), Malawi (16th), Poland (16th), Russian Federation (14th), United Kingdom of Great Britain and Northern Ireland (16th).

696. The Commission also heard a statement by the observer for Sweden, speaking on behalf of Denmark, Finland, Iceland, Norway and Sweden (13th).

697. The Commission also heard statements by the following non-governmental organizations: International Movement for Fraternal Union among Races and Peoples (19th), Inter-Parliamentary Union (19th).

698. At its 41st meeting, on 25 February 1994, the Commission took up consideration of the draft resolutions submitted under agenda item 15.

699. The observer for Norway introduced draft resolution E/CN.4/1994/L.16, sponsored by Australia, Austria, Bulgaria, Chile, Costa Rica, the Czech Republic*, Denmark*, Estonia*, Finland, Hungary, Iceland*, Italy, Latvia*, Madagascar*, the Netherlands, New Zealand*, Nicaragua*, Norway*, Poland, Portugal*, Romania, the Russian Federation, Slovakia*, Spain*, Sweden* and Switzerland*. Argentina*, Armenia*, Cameroon, Canada, Cyprus, Germany, Ireland*, Peru and the Republic of Korea subsequently joined the sponsors.

700. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

701. The draft resolution was adopted without a vote.

702. For the text as adopted, see chapter II, section A, resolution 1994/15.

703. At the same meeting, the representative of the Russian Federation introduced draft resolution E/CN.4/1994/L.19, sponsored by Argentina*, Australia, the Czech Republic*, Italy, Poland, Portugal*, Slovakia*, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland. Belgium*, Cameroon, Canada, France, Germany, Greece*, Latvia* and the United States of America subsequently joined the sponsors.

704. The representative of the Russian Federation orally revised the draft resolution by deleting, in operative paragraph 3, the words "the issue of" after the words "consider further".

705. The representative of Chile made a statement concerning the draft resolution.

706. The draft resolution was adopted without a vote.

707. For the text as adopted, see chapter II, section A, resolution 1994/16.

XVI. EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

708. The Commission considered agenda item 16 concurrently with items 7, 8 and 15 (see chaps. VII, VIII and XV) at its 13th to 19th meetings, on 8 to 11 February, and at its 41st and 42nd meetings, on 25 February 1994. 1/

709. The Commission had before it the following documents:

Note by the Secretary-General (E/CN.4/1994/69);

Report of the Secretary-General on financing and adequate staff resources for the operations of the human rights treaty bodies (E/CN.4/1994/101).

710. In the general debate on agenda item 16, statements 3/ were made by the following members of the Commission: Australia (14th), Austria (15th), Bangladesh (17th), Brazil (17th), Canada (15th), China (14th), Italy (17th), Poland (16th), Russian Federation (14th), United Kingdom of Great Britain and Northern Ireland (16th).

711. The Commission also heard statements by the observers for the following countries: New Zealand (15th), Sweden (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (13th).

712. The Commission also heard a statement by the following non-governmental organization: Inter-Parliamentary Union (19th).

713. At its 41st meeting, on 25 February 1994, the Commission took up consideration of the draft resolutions submitted under agenda item 16.

714. The representative of Canada introduced draft resolution E/CN.4/1994/L.24, sponsored by Australia, Austria, Canada, Chile, Denmark*, Finland, Norway* and the United Kingdom of Great Britain and Northern Ireland. Armenia*, Brazil, Cameroon, Costa Rica, the Czech Republic*, France, Germany, Hungary, the Netherlands, New Zealand, the Philippines*, Portugal*, the Republic of Korea, Sweden* and the United States of America subsequently joined the sponsors.

715. The representative of Canada orally revised the draft resolution as follows:

(a) In operative paragraph 2, the word "outstanding" was inserted before the words "financial obligations", after the words "financial obligations" the words "including their arrears" were deleted and, at the end of the paragraph, the words "until the amendments enter into force" were deleted;

(b) In operative paragraph 6, the word "other" was inserted between "with" and "relevant";

(c) In operative paragraph 7 (b), the word "Recommending" was inserted before "designating";

(d) In operative paragraph 7 (d), the word "global" was replaced by the words "single comprehensive" and the word "comprehensive" before the word "periodic" was deleted;

(e) Operative paragraph 8 (c), reading:

> "Invites the treaty bodies to identify States which could benefit from technical assistance in completing their initial reports"

was replaced by the following text:

> "Invites States parties which have been unable to comply with the requirement to submit their initial report to avail themselves of technical assistance".

(f) Operative paragraph 9, reading:

> "Encourages all treaty bodies to adopt the practice of examining States parties significantly delinquent in their reporting obligations even in the absence of their reports"

was replaced by the following text:

> "Urges States parties to address, as a matter of priority, at their next scheduled meeting, the issue of States parties significantly delinquent in their reporting obligations".

716. The representative of India proposed that the draft resolution be amended by replacing the expression "significantly delinquent in" in operative paragraph 9, as orally revised by the representative of Canada, by the phrase "which had not been able to comply with".

717. The representative of Kenya proposed that the draft resolution be amended by replacing the expression "significantly delinquent in" in operative paragraph 9, as orally revised by the representative of Canada, by the phrase "which have consistently failed to comply with".

718. The representatives of Canada, Cuba, India, Pakistan and the Syrian Arab Republic made statements regarding the draft resolution, as revised, and the amendments proposed.

719. The Commission decided to postpone consideration of draft resolution E/CN.4/1994/L.24.

720. At its 42nd meeting, on 25 February 1994, the Commission resumed consideration of draft resolution E/CN.4/1994/L.24.

721. The representative of Canada orally revised operative paragraph 9 to read as follows:

> "Urges State parties to address, as a matter of priority, at their next scheduled meetings, the issue of States parties consistently not complying with their reporting obligations".

722. The representative of Cuba requested that, in the Spanish version of operative paragraph 6, the expression "*y otros órganos pertinentes de las Naciones Unidas*" in the penultimate line should be replaced by "*y otros órganos competentes de las Naciones Unidas*".

723. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

724. The draft resolution, as orally revised, was adopted without a vote.

725. For the text as adopted, see chapter II, section A, resolution 1994/19.

XVII. REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FIFTH SESSION

726. The Commission considered agenda item 17 at its 23rd to 26th meetings, on 15 and 16 February, at its 55th meeting, on 4 March, and at its 64th meeting, on 9 March 1994. 1/

727. The Commission had before it the following documents:

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fifth session (E/CN.4/1994/2);

Report of Mr. Awn Shawkat Al-Khasawneh, Chairman of the Sub-Commission at its forty-fifth session, prepared in accordance with paragraph 12 of Commission on Human Rights resolution 1993/28 and Economic and Social Council decision 1993/261 (E/CN.4/1994/70);

Report of the Secretary-General on the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others (E/CN.4/1994/71 and Add.1).

728. At the 23rd meeting, on 15 February 1994, Mr. Awn Shawkat Al-Khasawneh, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fifth session, introduced his report (E/CN.4/1994/70) to the Commission.

729. In the general debate on agenda item 17, statements 3/ were made by the following members of the Commission: Australia (24th), Austria (25th), Brazil (24th), Bulgaria (24th), Canada (24th), Chile (24th), China (23rd), Cyprus (25th), France (25th), India (25th), Malaysia (24th), Mexico (25th), Netherlands (24th), Nigeria (24th), Republic of Korea (23rd), the Russian Federation (24th), United States of America (23rd).

730. The Commission also heard statements by the observers for the following countries: Democratic People's Republic of Korea (25th), Denmark (on behalf of Denmark, Finland, Iceland, Norway, and Sweden) (24th), Egypt (25th), El Salvador (25th), New Zealand (23rd), Ukraine (25th).

731. The Commission also heard statements by the following non-governmental organizations: Anti-Slavery Society for the Protection of Human Rights (25th), Commission of the Churches on International Affairs of the World Council of Churches (25th), Grand Council of the Crees (24th), Indian Council of South America (25th), Indian Institute for Non-Aligned Studies (24th), International Abolitionist Federation (25th), International Association for the Defence of Religious Liberty (24th), International Association of Democratic Lawyers (24th), International Association of Educators for World Peace (25th), International Fellowship of Reconciliation (25th), International Indian Treaty Council (26th), International Organization of Indigenous Resource Development (25th), Nordic Saami Council (24th), Third World Movement against the Exploitation of Women (25th), Women's International League for Peace and Freedom (25th), World Muslim Congress (25th).

732. Statements in exercise of the right of reply or its equivalent were made by the representatives of Bangladesh (24th), and the Sudan (25th) and the observer for Egypt (25th).

733. At the 26th meeting, on 16 February 1994, the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fifth session, Mr. Awn Shawkat Al-Khasawneh, introduced his report (E/CN.4/1994/70) to the Commission.

734. At its 55th and 64th meetings on 4 and 9 March 1994, the Commission considered the draft resolutions and draft decision submitted under agenda item 17.

735. At the 55th meeting on 4 March 1994, the representative of Germany introduced draft resolution E/CN.4/1994/L.32, sponsored by Australia, Canada, Denmark*, Germany, Japan, Norway* and Sweden*. Austria, Belgium*, Finland, Greece*, the Netherlands, Portugal*, Senegal*, Spain*, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

736. In accordance with rule 28 of the rules of procedure of the functional Commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

737. The draft resolution was adopted without a vote.

738. For the text as adopted, see chapter II, section A, resolution 1994/23.

739. At the same meeting, the representative of the Netherlands introduced draft resolution E/CN.4/1994/L.34, sponsored by Ireland*, the Netherlands, Poland, Portugal* and Romania. Nigeria subsequently joined the sponsors.

740. The draft resolution was adopted without a vote.

741. For the text as adopted, see chapter II, section A, resolution 1994/24.

742. At the same meeting, the representative of the Netherlands introduced draft resolution E/CN.4/1994/L.35, sponsored by the Czech Republic*, the Islamic Republic of Iran, Ireland*, the Netherlands, the Philippines*, Poland, Romania, Slovakia* and the United States of America. Belgium*, Greece*, Nigeria, and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

743. The draft resolution was adopted without a vote.

744. For the text as adopted, see chapter II, section A, resolution 1994/25.

745. In view of the adoption of resolution 1994/25 (see paras. 742-744), the Commission took no action on draft resolution I, recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1994/2, chap. I, sect. A).

746. At the same meeting, the representative of Australia introduced draft resolution E/CN.4/1994/L.36, sponsored by Australia, Bolivia*, Brazil, Canada, Chile, Colombia, Denmark*, Greece*, Mexico, New Zealand* and Norway*. Nigeria and Slovakia* subsequently joined the sponsors.

747. The representative of Australia orally revised the draft resolution by inserting, in operative paragraph 18, the words "of staff" after the word "placement".

748. The draft resolution, as orally revised, was adopted without a vote.

749. For the text as adopted, see chapter II, section A, resolution 1994/26.

750. At the same meeting, the representative of Canada introduced draft resolution E/CN.4/1994/L.37, sponsored by Canada, Colombia, Denmark*, Finland, Hungary, Norway* and Venezuela. Algeria*, Australia, Costa Rica, Cyprus, the Czech Republic*, El Salvador*, Germany, Greece*, the Islamic Republic of Iran, Ireland*, Japan, Latvia*, the Libyan Arab Jamahiriya, Nigeria, the Philippines*, Sweden*, the United Kingdom of Great Britain and Northern Ireland, and Turkey* subsequently joined the sponsors.

751. The representative of Canada orally revised the draft resolution by inserting a new paragraph between the fourth and fifth preambular paragraphs, reading: "_Noting also_ the Centre for Human Rights publication _Human Rights and Disabled Persons_ (United Nations publication, Sales No. E.92.XIV.4) by Mr. Leandro Despouy, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the establishment of a mechanism such as an international ombudsman is proposed,".

752. A statement in connection with the draft resolution, as orally revised, was made by the representative of Costa Rica.

753. The draft resolution, as orally revised, was adopted without a vote.

754. For the text as adopted, see chapter II, section A, resolution 1994/27.

755. At the same meeting, the observer for Denmark* introduced draft resolution E/CN.4/1994/L.38, sponsored by Australia, Belgium*, Bolivia*, Chile, Colombia, Cuba, Denmark*, Finland, Greece*, Iceland*, Italy, Mexico, New Zealand*, Nicaragua*, Norway*, Portugal*, the Russian Federation and Sweden*. Cameroon, Canada, Ecuador and Nigeria subsequently joined the sponsors.

756. The observer for Denmark orally revised the draft resolution by inserting a new paragraph between the first and second preambular paragraphs, reading: "_Bearing in mind_ Articles 55 and 56 of the Charter of the United Nations in the context of all human rights of indigenous people;".

757. The draft resolution, as orally revised, was adopted without a vote.

758. For the text as adopted, see chapter II, section A, resolution 1994/28.

759. At the same meeting, the representative of Canada introduced draft resolution E/CN.4/1994/L.41, sponsored by Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark*, Finland, Greece*, Hungary, Mexico, New Zealand*, Norway*, the Russian Federation and Sweden*. Cyprus, Nigeria and Slovakia* subsequently joined the sponsors.

760. The draft resolution was adopted without a vote.

761. For the text as adopted, see chapter II, section A, resolution 1994/29.

762. In view of the adoption of resolution 1994/29 (see paras. 759-761), the Commission took no action on draft decision 12, recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1994/2, chap. I, sect. B).

763. At the same meeting, the representative of the United States of America introduced draft decision E/CN.4/1994/L.33, sponsored by Australia, Germany, Greece*, Hungary, Kenya, the Netherlands, Poland, Romania, the Russian Federation, the United States of America and Uruguay. Cyprus subsequently joined the sponsors.

764. Statements in connection with the draft decision were made by the representatives of Cuba, India, the Syrian Arab Republic and the United States of America.

765. Statements in explanation of their delegations' positions were made by the representatives of Cuba, Mexico and the Republic of Korea.

766. The draft decision was adopted without a vote.

767. For the text as adopted, see chapter II, section B, decision 1994/103.

768. By its decision 1994/103 (see paras. 763-767), the Commission decided to request the Sub-Commission to reconsider draft decisions 1, 2, 4, 8 and 13, which it had recommended for adoption by the Commission (see E/CN.4/1994/2, chap. I, sect. B).

769. At the same meeting, the Commission considered draft decision 6, recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1994/2, chap. I, sect. B).

770. The draft decision was adopted without a vote.

771. For the text as adopted, see chapter II, section B, decision 1994/104.

772. At the same meeting, the Commission considered draft decision 11, recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1994/2, chap. I, sect. B).

773. The representative of Brazil proposed that all references to "indigenous peoples" in the draft decision should be replaced by "indigenous people".

774. The representative of Australia proposed that the text should remain as it stood, with the expression "indigenous peoples".

775. The representative of India supported the proposal by the representative of Brazil.

776. The representative of Australia, not having pressed the proposal, agreed to the amendment proposed by Brazil.

777. The draft decision, as amended, was adopted without a vote.

778. For the text as adopted, see chapter II, section B, decision 1994/105.

779. At the same meeting, the Commission considered draft decision 14, recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1994/2, chap. I, sect. B).

780. The draft decision was adopted without a vote.

781. For the text as adopted, see chapter II, section B, decision 1994/106.

782. At the 64th meeting, on 9 March 1994, the representative of Cuba introduced draft resolution E/CN.4/1994/L.30, sponsored by Angola, China, Colombia, Cuba, Ethiopia*, Guatemala*, Kenya, Lesotho, Mauritania, Nigeria, Peru, the Sudan, the Syrian Arab Republic, Uruguay and Venezuela.

783. The representative of Cuba orally revised the draft resolution as follows:

(a) The fourth preambular paragraph, which read as follows: "Reaffirming the need to adopt an integrated and balanced approach to the issues related to environment, development and human rights", was replaced by the following text: "Noting the need to adopt an integrated and balanced approach to the issues related to sustainable development, democracy and human rights";

(b) The sixth preambular paragraph, which read as follows: "Considering the right to a healthy environment as an inalienable right and an integral part of all human rights and that it is the responsibility of all States to promote the right to life in an environmentally healthy world, through the protection and rational use of natural resources, non-pollution of water and air and the conservation of animals and plants" was replaced by the following text: "Conscious of the important work undertaken on environment and development issues by the Commission on Sustainable Development, the United Nations Environment Programme and other relevant forums";

(c) The seventh preambular paragraph, which read as follows: "Reiterating the statement contained in the Vienna Declaration and Programme of Action that the right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations" was replaced by the following text: "Considering that the promotion of an environmentally healthy world contributes to the protection of the human rights to life and health of everyone, and reaffirming that in this connection States shall act in accordance with their common but differentiated responsibilities and respective capabilities";

(d) The eighth preambular paragraph, which read as follows: "Recognizing that the majority of current situations of environmental pollution, including the dumping of toxic and dangerous waste, originate in industrialized countries and that these countries bear the responsibility in combating such pollution in order to attain environmentally healthy living conditions, bearing especially in mind the vulnerability of certain peoples, populations, groups or categories of persons to environmental problems, particularly in developing countries" was replaced by the following text: "Recognizing that illicit dumping of toxic and dangerous substances and waste potentially constitute a serious threat to the human rights to life and health of everyone, bearing especially in mind the vulnerability and concern of developing countries, and that States should adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and waste, and cooperate in the prevention of illicit dumping";

(e) In the ninth preambular paragraph, after the word "States", the word "have" was inserted and the words "development policies" were replaced by the words "developmental policies";

(f) The tenth preambular paragraph, which read as follows: "Reaffirming also the importance of international cooperation in the research and development of environmentally sound technologies, as well as the need to promote the transfer of such technologies, on favourable terms, to developing countries so that they may help to clean and protect the environment in accordance with their development programmes, national policies, regulations and legislation" was replaced by the following text: "Reaffirming also the importance of promoting, facilitating and financing, as appropriate, the access to and the transfer of environmentally sound technologies and corresponding know-how, in particular to developing countries, on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights, as well as the special needs of developing countries";

(g) Operative paragraph 1, which read as follows: "Reaffirms principle No. 1 of the United Nations Conference on the Human Environment (Stockholm, 5-16 June 1972) Declaration, which states that 'man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears solemn responsibility to protect and improve the environment for present and future generations'" was replaced by the following text: "Reaffirms principle No. 1 of the Rio Declaration on Environment and Development, which states that human beings are at the centre of concerns for sustainable development and that they are entitled to a healthy and productive life in harmony with nature";

(h) Operative paragraph 2, which read as follows: "Reiterates the close link between the right to a healthy environment and the right to development, both at the national and the international level" was replaced by the following text: "Reiterates that the right to development must be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations";

(i) Operative paragraph 3, which read as follows: "Reaffirms that environmental damage has direct effects on the enjoyment of a series of human rights such as the rights to life, to health, to a satisfactory standard of living, to sufficient food, to housing, to education, to work, to culture, to non-discrimination, to dignity and the harmonious development of one's personality, to security of person and family, to development and to peace" was replaced by the following text: "Recognizes that environmental damage has potentially negative effects on human rights and the enjoyment of life, health and a satisfactory standard of living";

(j) In operative paragraph 4, the words "reflecting recognition and implementation of the right to a healthy environment as a universal human rights" were replaced by the words "reflecting the link between a healthy environment and the full enjoyment of human rights";

(k) Operative paragraph 5, which read as follows: "Stresses the need for developed countries, as those mainly responsible for the existing problems of pollution, to transfer state-of-the-art and environmentally sound technologies to developing countries in order to help them to clean and protect the environment in the implementation of their national development programmes" was replaced by the following text: "Recalls that everyone has the right to enjoy the benefit of scientific progress and its application, and calls for international cooperation to ensure that human rights and dignity are fully respected in this area of universal concern";

(l) Operative paragraph 6, which read as follows: "Decides to appoint Mrs. Fatma Zohra Ksentini Special Rapporteur on human rights and the environment in order to monitor and examine present and future environmental problems affecting the full enjoyment of human rights" was replaced by the following text: "Also recalls chapter 33 of Agenda 21 on the provision of new and additional financial resources to developing countries to achieve sustainable development";

(m) Operative paragraph 7, which read as follows: "Requests the Special Rapporteur to prepare a series of practical recommendations on how to include the right to a healthy environment in the activities of human rights bodies, including working groups, special rapporteurs and bodies established by international human rights instruments" was replaced by the following text: "Endorses the request of the Sub-Commission to the Special Rapporteur to prepare a final report on human rights and the environment with conclusions and recommendations including recommendations for the follow-up, by the Commission of her work";

(n) Operative paragraph 8, which read as follows: "Also requests the Special Rapporteur to submit a report to the Commission on Human Rights at its fifty-first session and an interim report to the General Assembly at its forty-ninth session on the effects of environmental problems on the full enjoyment of human rights, as well as effective measures to be implemented in order to promote and protect these rights" was replaced by the following text: "Decides to continue its consideration of this question, including the recommendation of the Sub-Commission, at its fifty-first session under the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, and study of special problems which developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effect on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development";

(o) Operative paragraphs 9, 10, and 11 were deleted. These paragraphs read as follows:

> "9. Calls on Governments, specialized agencies and governmental and non-governmental organizations to cooperate with the Special Rapporteur, in particular by furnishing relevant information on the obstacles that environmental problems pose for the full enjoyment of human rights;
>
> "10. Requests the Secretary-General to provide the necessary assistance to the Special Rapporteur in the fulfilment of her mandate;
>
> "11. Decides to include in the provisional agenda of its fifty-first session a new item entitled 'Human rights and the environment'".

784. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

785. The draft resolution, as orally revised, was adopted without a vote.

786. The representative of Japan made a statement in explanation of his delegation's position.

787. For the text as adopted, see chapter II, section A, resolution 1994/65.

788. In view of the adoption of resolution 1994/65 (see paras. 782-787), the Commission took no action on draft decision 5, recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1994/2, chap. I, sect. B).

XVIII. RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

789. The Commission considered agenda item 18 at its 19th to 24th meetings, on 11 to 15 February, and at its 46th meeting, on 1 March 1994. 1/

790. The Commission had before it the following documents:

Report of the Secretary-General on effective promotion of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (A/48/509 and Corr.1 and Add.1 and Add.1/Corr.1);

Report prepared by the Secretary-General pursuant to Commission on Human Rights resolution 1993/24 (E/CN.4/1994/72 and Corr.1);

Note verbale dated 14 December 1993 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Director-General of the United Nations Office at Geneva (E/CN.4/1994/92);

Letter dated 24 January 1994 from the Chargé d'affaires of the Russian Federation to the United Nations Office at Geneva addressed to the Director-General of the United Nations Office at Geneva (E/CN.4/1994/107);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1994/NGO/20);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/30);

Written statement by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/54);

Written statement submitted by the International Association of Educators for World Peace, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/56).

791. In the general debate on agenda item 18, statements 3/ were made by the following members of the Commission: Austria (20th), China (19th), Finland (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (19th), Hungary (22nd), Nigeria (21st), Pakistan (22nd), Poland (21st), Romania (22nd), Russian Federation (21st), United States of America (19th).

792. The Commission also heard statements by the observers for: Estonia (22nd), Iraq (22nd), Latvia (22nd), Turkey (20th), Ukraine (21st).

793. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (23rd), Baha'i International Community (20th), Commission for the Defence of Human Rights in Central America (23rd), International Association of Educators for World

Peace (21st), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (20th), International Federation Terre des Hommes (20th), International Indian Treaty Council (23rd), International Movement against All Forms of Discrimination and Racism (23rd), International Work Group for Indigenous Affairs (23rd), Minority Rights Group (20th), Pax Romana (20th), World Federalist Movement (21st), World Movement of Mothers (23rd), World Organization against Torture (20th).

794. Statements in exercise of the right of reply or its equivalent were made by the representatives of Bangladesh (22nd and 23rd), China (22nd), India (22nd and 23rd), Pakistan (22nd) and the Sudan (22nd) and the observers for Albania (22nd), Croatia (22nd), Guatemala (23rd) and Iraq (19th).

795. Statements in exercise of the second right of reply were made by the representatives of India (22nd) and Pakistan (22nd).

796. At the 46th meeting, on 1 March 1994, the Commission took up consideration of the draft resolutions submitted under agenda item 18.

797. On 23 February 1994, a draft resolution (E/CN.4/1994/L.27) was submitted by Albania*, Austria, Costa Rica, Croatia*, Hungary, Italy, Lithuania*, Malawi, Poland, the Republic of Korea, the Russian Federation, Rwanda*, Switzerland*, Uruguay and Venezuela, reading as follows:

"Rights of persons belonging to national or ethnic, religious and linguistic minorities

"The Commission on Human Rights,

"Recalling General Assembly resolution 47/135 of 18 December 1992, by which the Assembly adopted without a vote the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and taking note of General Assembly resolution 48/138 of 20 December 1993,

"Aware of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

"Conscious of the need effectively to promote and protect the rights of persons belonging to minorities as set out in the Declaration,

"Recalling its resolution 1993/24 of 5 March 1993 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

"Noting resolutions 1993/42 and 1993/43 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 26 August 1993, "*Acknowledging* that the United Nations has an increasingly important role to play regarding the protection of minorities, by, *inter alia*, taking due account of and promoting the Declaration,

"*Noting* the report of the Secretary-General on the implementation of Commission resolution 1993/24 (E/CN.4/1994/72 and Corr.1 and 2),

"*Noting with appreciation* the final report (E/CN.4/Sub.2/34 and Add.1-4) of the Special Rapporteur of the Sub-Commission, Mr. Asbjørn Eide,

"*Concerned* about the growing frequency and severity of disputes and conflicts concerning minorities in many countries and their often tragic consequences,

"*Affirming* that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

"*Considering* that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political stability and peace and enrich the cultural heritage of society as a whole in the State where such persons live,

"*Mindful* of the recommendations contained in part II, paragraphs 25 to 27 of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights,

"1. *Takes note with appreciation* of the analysis and recommendations formulated in the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Asbjørn Eide, on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities;

"2. *Urges* States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

"3. *Calls upon* all States to consider concluding bilateral and multilateral arrangements or agreements in order to ensure the rights of persons belonging to national or ethnic, religious or linguistic minorities, as appropriate;

"4. *Urges* all treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to give due regard, within their respective mandates to the Declaration;

"5. Urges the Sub-Commission on Prevention of Discrimination and Protection of Minorities to continue to give due regard, within its mandate, to the Declaration, including through the consideration of the usefulness of further standards, and endorses the decision to entrust Mr. Asbjørn Eide, without financial implications, with preparing a working paper containing suggestions on the feasibility and usefulness of the preparation of a more comprehensive programme for the prevention of discrimination and protection of minorities;

"6. Calls upon the High Commissioner for Human Rights to give due regard, within his mandate, to the Declaration;

"7. Encourages intergovernmental and non-governmental organizations to continue to promote the rights of persons belonging to national or ethnic, religious and linguistic minorities;

"8. Calls upon the Secretary-General to make available, at the request of Governments concerned, as part of the programme of advisory services and technical assistance of the Centre for Human Rights, qualified expertise on minority issues, as well as on the prevention, resolution and/or management of disputes, and to assist in existing or potential situations involving minorities;

"9. Requests the Secretary-General, in the implementation of the present resolution, to provide human and financial resources for such advisory services and technical assistance of the Centre for Human Rights, within existing resources;

"10. Calls upon States and the Secretary-General respectively to give due regard to the principles contained in the Declaration in training programmes for officials;

"11. Requests the Secretary-General to designate a representative to seek views and information from all Governments on issues relating to the promotion and implementation of the Declaration;

"12. Encourages the Secretary-General to seek views and information from the specialized agencies, relevant United Nations organs and bodies, regional intergovernmental organizations and bodies and non-governmental organizations and experts in all regions on issues relating to the promotion and implementation of the Declaration;

"13. Encourages all interested Governments to make known their views on this subject;

"14. Requests the Secretary-General to report to the Commission at its fifty-first session on the implementation of the present resolution under the same agenda item".

798. At the 46th meeting, on 1 March 1994, the representative of Austria submitted a revised draft resolution (E/CN.4/1994/L.27/Rev.1) with the same

sponsors as draft resolution E/CN.4/1994/L.27. Australia, Cyprus, the Czech Republic*, Liechtenstein*, Slovakia* and Ukraine* subsequently joined the sponsors.

799. The representative of Austria orally revised the draft resolution by deleting in operative paragraph 10 the words "the principles contained in" before the words "the Declaration".

800. The representative of India proposed inserting in operative paragraph 8, a comma after the words "human rights".

801. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

802. The draft resolution, as orally revised and amended, was adopted without a vote.

803. For the text as adopted, see chapter II, section A, resolution 1994/22.

804. In view of the adoption of resolution 1994/22 (see paras. 797-803), the Commission took no action on draft decision 10 recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1994/2, chap. I, sect. B).

XIX. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

805. The Commission considered agenda item 19 concurrently with item 11 (see chap. XI) at its 38th to 40th meetings, on 24 February, at its 42nd meeting, on 25 February, at its 43rd to 48th meetings, on 28 February and 1 March, at its 56th meeting, on 4 March, and at its 64th meeting, on 9 March 1994. 1/

806. The Commission had before it the following documents:

Report of the Special Representative of the Secretary-General, Mr. Michael Kirby, on the situation of human rights in Cambodia, submitted in accordance with Commission resolution 1993/6 (E/CN.4/1994/73 and Add.1);

Report of the Secretary-General, submitted pursuant to Commission on Human Rights resolution 1993/65, on the situation of human rights in Albania (E/CN.4/1994/75);

Report by the Secretary-General, submitted pursuant to Commission resolution 1993/72, on the situation of human rights in Romania (E/CN.4/1994/76 and Add.1);

Report by the independent expert, Mr. Fanuel Jariretundu Kozonguizi, on the conditions in Somalia, prepared in accordance with paragraph 6 of Commission on Human Rights resolution 1993/86 (E/CN.4/1994/77 and Add.1);

Technical cooperation with the Government of Paraguay in the sphere of human rights (E/CN.4/1994/78/Add.1);

Note by the secretariat (E/CN.4/1994/109);

Written statement submitted by the International Human Rights Law Group, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/47).

807. In the general debate on agenda item 19, statements 3/ were made by the following members of the Commission: Australia (43rd), Austria (46th), Italy (48th), Japan (38th and 42nd), Lesotho (42nd), Malawi (48th), Poland (45th), Romania (43rd), Russian Federation (45th).

808. The Commission also heard statements by the observers for: Albania (48th), Denmark (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (47th), Greece (on behalf of the European Union) (45th), Guatemala (48th), Senegal (47th), Slovakia (47th).

809. The Commission also heard a statement by a representative of the United Nations Office at Vienna (39th).

810. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (40th), Andean Commission of Jurists (44th), Commission for the Defence of Human Rights in Central America (48th), International Association of Educators for World

Peace (40th), International Educational Development, Inc. (45th), International Federation of University Women (on behalf of the International Alliance of Women, International Federation of Women in Legal Careers, World Women's Christian Temperance Union and Zonta International) (40th), International Indian Treaty Council (48th), Inter-Parliamentary Union (40th), Latin America Federation of Associations of Relatives of Disappeared Detainees (44th), Sierra Club Legal Defense Fund, Inc. (40th).

811. At the 40th meeting, on 24 February 1994, a statement was made by the International Council on Social Welfare on behalf of the following non-governmental organizations: All India Women's Conference, Amnesty International, Associated Country Women of the World, Baha'i International Community, Centre Europe-Tiers Monde, CHANGE, Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, International Abolitionist Federation, International Association against Torture, International Association of Penal Law, International Commission of Jurists, International Council of Jewish Women, International Federation of Social Workers, International Federation of University Women, International Federation of Women in Legal Careers, International Lesbian and Gay Association, International Movement against All Forms of Discrimination and Racism, International Movement ATD Fourth World, International Movement for Fraternal Union among Races and Peoples, International Women's Tribune Centre, National Council of German Women's Organizations, Socialist International Women, Women's International League for Peace and Freedom, World Association of Girl Guides and Girl Scouts, World Federation of Methodist Women, World Federation of United Nations Associations, World Jewish Congress, World Union of Catholic Women's Organizations, World Young Women's Christian Association, Zonta International.

812. At its 56th, 57th and 64th meetings, on 4 and 9 March 1994, the Commission took up consideration of the draft resolutions and draft decisions submitted under item 19.

813. At the 56th meeting, on 4 March 1994, the observer for Portugal introduced draft resolution E/CN.4/1994/L.56, sponsored by Albania*, Austria, Finland, Germany and Portugal*. Belgium*, France, Greece*, Luxembourg*, the Netherlands, Spain*, Sweden*, Switzerland*, Turkey* and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

814. The draft resolution was adopted without a vote.

815. For the text as adopted, see chapter II, section A, resolution 1994/57.

816. On 2 March 1994, a draft resolution (E/CN.4/1994/L.58) was submitted by: Brazil, Colombia, Costa Rica, Mexico, Peru, Uruguay and Venezuela, reading as follows:

"El Salvador

"The Commission on Human Rights,

"Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

"Recalling its resolution 1993/93 of 10 March 1993, and the statement by the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of 20 August 1993 (E/CN.4/1994/2-E/CN.4/Sub.2/1993/45, para. 245),

"Recalling also General Assembly resolution 48/149 of 20 December 1993,

"Taking note of the report of the Independent Expert (E/CN.4/1994/11),

"Convinced that full and speedy implementation of the outstanding commitments of the Peace Accords is necessary in order to guarantee full respect for human rights and the consolidation of the reconciliation and democratization process under way in El Salvador,

"Concerned that, in spite of the substantial progress made in the field of human rights, continuing acts of violence, such as the recent assassinations, attacks and threats against members of various political parties, could affect the peace and national reconciliation process,

"Welcoming in this regard the efforts of the Secretary-General in cooperation with the Government of El Salvador, to establish the Joint Group for the Investigation of Politically Motivated Illegal Armed Groups, which is to conduct an impartial and independent investigation into the activities of such groups and their consequences as regards political violence,

"Recognizing that the work of the Secretary-General of the United Nations and his representatives and the monitoring carried out by the United Nations Observer Mission in El Salvador, in particular its Human Rights Division, have contributed significantly to the success of the Peace Accords,

"Recognizing that the effective protection of human rights calls for continued strengthening of and support for the judicial system to help to eliminate impunity and thus ensure the full attainment of the rule of law, "*Recognizing with satisfaction* the fulfilment of most of the commitments made by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional,

"*Considering* that a commitment was made to implement the recommendations of the Human Rights Division of the United Nations Observer Mission in El Salvador and the Commission on the Truth, and emphasizing that a new process for the full implementation of the peace and national reconciliation agreements is under way,

"*Taking into account* the general elections to be held in El Salvador on 20 March 1994 within a climate of peace achieved by the people of El Salvador,

"*Recalling* the commitment of 5 November 1993 by the presidential candidates to abide by the peace and reconciliation agreements,

"*Aware* that the international community must continue to support all efforts by the Government of El Salvador to consolidate peace, ensure full respect for human rights and undertake the reconstruction of El Salvador,

"1. *Expresses its thanks* to the Independent Expert for his work and takes note of the report submitted in accordance with his terms of reference (E/CN.4/1993/11) and regrets that circumstances did not permit him to visit El Salvador as planned;

"2. *Expresses its satisfaction and gratitude* to the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional for having fulfilled most of the commitments made and having overcome a number of obstacles to the implementation of the agreements, within the framework of the peace and reconciliation process;

"3. *Recognizes* the work of the Governments of Colombia, Spain, Mexico and Venezuela, which make up the Group of Friends of the Secretary-General, and of the Government of the United States of America in supporting the peace process in El Salvador;

"4. *Recognizes* that, while there have been substantial improvements in the situation of human rights in El Salvador, some negative circumstances still exist concerning the observance of the right to life and that the capacity of the judicial system to shed light on and punish human rights violations continues to be unsatisfactory;

"5. *Urges* the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to intensify their efforts to continue and complete the land transfer programme, the programme for the reintegration of former combatants into society, the deployment of the new National Civil Police, the collection of weapons in the private hands of the armed forces and the adoption of the Act on Private Security Services, in accordance with the agreements;

"6. Expresses its belief that it is important to continue strengthening the Office of the National Counsel for the Defence of Human Rights and to carry out the agreed judicial reforms to ensure its independence and impartiality;

"7. Commends the Government of El Salvador on the establishment of the Inter-institutional Investigating Group to investigate human rights violations and punish those responsible, and of the Joint Group for the Investigation of Illegal Armed Groups, set up on the initiative of the Secretary-General and recommended by the Commission on the Truth, and urges all sectors of Salvadorian society to cooperate with that investigation;

"8. Reiterates its gratitude for the important work being carried out by the Secretary-General and his representative and by the United Nations Observer Mission in El Salvador, and extends to them its support so that they can continue to take all necessary steps to contribute to the successful implementation of the Peace Accords;

"9. Requests the Secretary-General to provide the Government of El Salvador with any advisory services it may request, through the Centre for Human Rights;

"10. Reaffirms its confidence that the elections of 20 March 1994 will strengthen national reconciliation and urges the people of El Salvador to participate in them;

"11. Expresses its support for the statement of 5 November 1993, entitled 'Commitment of the presidential candidates to peace and stability in El Salvador', in which the candidates inter alia solemnly committed themselves to maintain the constructive evolution of the peace process and to implement all the commitments contained in the Peace Accords and rejected any politically motivated violence or intimidation;

"12. Reiterates its gratitude for the important work being done by the Secretary-General and his representatives and by the Human Rights Division of the United Nations Observer Mission in El Salvador, and emphasizes the importance of the active monitoring being conducted and requests the Secretary-General to inform the Commission of the results at its fifty-first session, if he deems it necessary;

"13. Invites the Government of El Salvador to report on the implementation of this resolution at the next session of the Commission under the agenda item 'Advisory services in the field of human rights'."

817. At the 57th meeting, on 4 March 1994, the representative of Venezuela introduced a revised draft resolution (E/CN.4/1994/L.58/Rev.1), sponsored by Brazil, Colombia, Costa Rica, Mexico, Peru, Uruguay and Venezuela. Honduras*, Panama*, Spain* and the United States of America subsequently joined the sponsors.

818. Statements in connection with the revised draft resolution were made by the representatives of Austria, Chile, Colombia and Costa Rica.

819. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

820. The draft resolution was adopted without a vote.

821. For the text as adopted, see chapter II, section A, resolution 1994/62.

822. At the 64th meeting, on 9 March 1994, the representative of El Salvador made a statement in connection with the resolution adopted.

823. At the 56th meeting, on 4 March 1994, the representative of Mexico introduced draft resolution E/CN.4/1994/L.61, sponsored by Brazil, Colombia, Costa Rica, Ecuador, Mexico, Norway*, Peru, Spain*, Uruguay and Venezuela. Argentina*, Chile and the United States of America subsequently joined the sponsors.

824. The draft resolution was adopted without a vote.

825. For the text as adopted, see chapter II, section A, resolution 1994/58.

826. At the same meeting, the representative of Germany introduced draft resolution E/CN.4/1994/L.67, sponsored by Australia, Austria, Belgium*, Cameroon, Costa Rica, the Czech Republic*, Denmark*, Finland, France, Germany, Hungary, Ireland*, Italy, Kenya, Lesotho, Madagascar*, the Netherlands, New Zealand*, Norway*, Poland, the Russian Federation, Sweden*, Switzerland*, and the United Kingdom of Great Britain and Northern Ireland. Angola, Canada, Chile, the Gambia*, Greece*, Luxembourg*, Malawi, the Philippines*, Portugal*, Spain* and the United States of America subsequently joined the sponsors.

827. The representative of Germany orally revised the draft resolution as follows:

(a) In the fourth preambular paragraph, the words "relevant bodies of" were replaced by the words "relevant bodies involved in the field of human rights within";

(b) In the fifth preambular paragraph, the words "with the consent of the Governments concerned" were added after the words "internal disturbances".

828. The Commission decided to postpone consideration of the draft resolution.

829. At its 64th meeting, on 9 March 1994, the Commission resumed consideration of draft resolution E/CN.4/1994/L.67.

830. The representative of Germany orally revised the draft resolution further by inserting, in operative paragraph 4, the words "in a manner compatible with other development objectives" after the words "overall United Nations resources".

831. The draft resolution, as orally revised, was adopted without a vote.

832. For the text as adopted, see chapter II, section A, resolution 1994/69.

833. At the 56th meeting, on 4 March 1994, the representative of Germany introduced draft resolution E/CN.4/1994/L.70, sponsored by Austria, Finland, Germany, Hungary, Italy, the Netherlands, Poland, Portugal*, the Russian Federation, Sweden*, and Switzerland*. Belgium*, Greece*, Norway*, Slovakia* and Spain* subsequently joined the sponsors.

834. The draft resolution was adopted without a vote.

835. For the text as adopted, see chapter II, section A, resolution 1994/59.

836. At the same meeting, the representative of Australia introduced draft resolution E/CN.4/1994/L.73, sponsored by Australia, Finland, the Gambia*, Ghana*, Ireland*, Japan, Kenya, the Netherlands, New Zealand*, Norway*, Poland, Senegal* and Sweden*. Bangladesh, Canada, the Czech Republic*, Denmark*, France, Germany, Greece*, Italy, Mauritania, Mauritius, Pakistan, the Republic of Korea, Slovakia*, Spain*, Turkey*, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zimbabwe* subsequently joined the sponsors.

837. The representative of Australia orally revised the draft resolution as follows:

(a) In the fifth preambular paragraph, after the word "role", the word "of" was inserted and the words "and also the palpable efforts of" were inserted after the words "and Development";

(b) At the end of the tenth preambular paragraph, the words "and that they are the ones to decide freely on their political, economic and social systems" were added;

(c) In operative paragraph 3, the words "to United Nations personnel" were replaced by the words "for all parties";

(d) At the beginning of operative paragraph 4, before the words "Takes note", the words "Reaffirms the need to protect the Somali people against any violations of their human rights by any person or persons and" were added;

(e) In the same paragraph, after the words "alleged violations of human rights" the words "by members of the United Nations forces" were deleted;

(f) In operative paragraph 5, the word "Recommends" was replaced by "Urges" and after the word "unit", the word "to" was inserted;

(g) In operative paragraph 7, the words "receive complaints and investigate reports of violations of human rights in Somalia" were replaced by the words "seek and receive information about and report on the human rights situation in Somalia";

(h) In the same paragraph, in the French text, the words "dans le but de les prévenir" were replaced by the words "dans le but de prévenir les violations des droits de l'homme";

(i) In operative paragraph 8, the words "appropriate additional" were replaced by the word "adequate".

838. Statements in connection with the draft resolution were made by the representatives of Australia, the Sudan and the Syrian Arab Republic.

839. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

840. The draft resolution was adopted without a vote.

841. At the 64th meeting, on 9 March 1994, the representative of the Syrian Arab Republic made a statement explaining his delegation's position.

842. For the text as adopted, see chapter II, section A, resolution 1994/60.

843. At the 57th meeting, on 4 March 1994, the representative of Australia introduced draft resolution E/CN.4/1994/L.74, sponsored by Australia and the Netherlands. Austria, Cambodia*, Canada, Finland, France, Indonesia, Ireland*, Japan, New Zealand*, Norway*, the Philippines*, the Russian Federation, Singapore*, Sweden*, Thailand* and the United States of America subsequently joined the sponsors.

844. The representative of Australia orally revised the draft resolution as follows:

(a) In the first preambular paragraph, the words "purposes and" were inserted before the word "principles";

(b) In the fifth preambular paragraph, the words "promotion and" were inserted before the word "protection";

(c) In the sixth preambular paragraph, the words "the Government of the Kingdom of Cambodia" were replaced by the words "the Royal Government of Cambodia";

(d) Operative paragraph 1, which read "Welcomes the establishment of and the commencement of operations of the office of the Centre for Human Rights on 1 October 1993 to implement the mandate set out in paragraph 2 of Commission on Human Rights resolution 1993/6", was replaced by the following text: "Welcomes the establishment of the operational presence of the Centre for Human Rights in Cambodia on 1 October 1993 to implement the activities set out in paragraph 2 of Commission on Human Rights resolution 1993/6 of 19 February 1993";

(e) In operative paragraph 3, which read "Takes note with satisfaction of the exchange of letters between the Secretary-General and the Government of Cambodia concerning the consent of the Government for the fulfilment of the mandates of the Centre for Human Rights and the Special Representative in Cambodia", was replaced by the following text: "Takes note with satisfaction of the exchange of letters between the Secretary-General and the Royal Government of Cambodia concerning the consent of the Government for the fulfilment of the activities of the Centre for Human Rights and the mandate of the Special Representative in Cambodia";

(f) In operative paragraph 6, the words "Also requests the Secretary-General, as a matter of urgency, to effect the immediate transfer of responsibility" were replaced by the words: "Takes note of the transfer of responsibility";

(g) In the same paragraph, after the words "to implement", the word "fully" was deleted;

(h) In operative paragraph 7, the words "Centre for Human Rights Trust Fund on Cambodia" were replaced by the words: "United Nations Trust Fund for a Human Rights Education Programme in Cambodia";

(i) After operative paragraph 8 a new paragraph 9 was inserted as follows: "Requests the Centre for Human Rights to assist, with the consent and cooperation of the Royal Government of Cambodia, in providing advice with respect to the creation of an independent national institution for the promotion and protection of human rights, such as an ombudsman or a human rights commission";

(j) Former paragraph 9 became paragraph 10 and was revised as follows: the words "and outlined above" were deleted;

(k) Former paragraph 10 became paragraph 11 and was revised as follows: the word "widespread" was replaced by the word "indiscriminate";

(l) In the same paragraph, after the words "anti-personnel land-mines", the words "in Cambodia" were inserted.

845. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

846. The draft resolution, as orally revised, was adopted without a vote.

847. For the text as adopted, see chapter II, section A, resolution 1994/61.

848. At the 64th meeting, on 9 March 1994, the Chairman read out, on behalf of the Commission, the following statement:

> "The Commission on Human Rights, assembled at its fiftieth session, takes note with appreciation of the report by the Secretary-General (E/CN.4/1994/76) submitted pursuant to Commission resolution 1993/72,

including the addendum thereto containing the report by Mr. Joseph Voyame, Executive Director of the Romanian Human Rights Institute.

"The Commission welcomes the further steps taken by the Government of Romania to establish a democratic and pluralist system of government based on respect for human rights and the rule of law and its commitment manifested, inter alia, by its accession to the Council of Europe, to fulfil the obligations under the international conventions and instruments to which it is a party.

"The Commission also notes the will of the Government of Romania to overcome remaining shortcomings as regards the implementation of constitutional and legislative rules by national and local authorities, inter alia, relating to the protection of persons belonging to minorities.

"The Commission expresses its appreciation of the advisory services provided to the Government of Romania by the Centre for Human Rights and endorses, as recommended in the addendum to the Secretary-General's report, the continuation of these services, especially in the fields of training and education for the good functioning of the governmental and non-governmental institutions dealing with the promotion and protection of human rights, as provided for in the Programme signed by the Centre and the Government in Bucharest on 23 September 1991, including the organization, in cooperation with the Council of Europe, of a series of seminars to train Romanian magistrates and lawyers in this field, as well as a seminar on minorities.

"The Commission requests the Secretary-General to present to the Commission on Human Rights at its fifty-first session a final evaluation of the fulfilment of the programme of advisory services and invites the Government of Romania to provide the necessary information to this effect, including information on the progress achieved in overcoming remaining shortcomings."

XX. IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

849. The Commission considered agenda item 20 at its 19th to 23rd meetings, on 11 to 15 February, and at its 42nd meeting, on 25 February 1994. 1/

850. The Commission had before it the following documents:

Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, in accordance with Commission on Human Rights resolution 1993/25 (E/CN.4/1994/79);

Report of the Secretary-General (E/CN.4/1994/80);

Letter dated 24 January 1994 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the forty-ninth session of the Commission on Human Rights (E/CN.4/1994/105);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/10).

851. At the 19th meeting, on 11 February 1994, the Special Rapporteur, Mr. Abdelfattah Amor, introduced his report (E/CN.4/1994/79).

852. In the general debate on agenda item 20, statements 1/ were made by the following members of the Commission: Bulgaria (22nd), China (21st), India (21st), Indonesia (21st), Italy (21st), Nigeria (21st), Pakistan (22nd), Russian Federation (21st).

853. The Commission also heard statements by the observers for: Albania (21st), Iraq (22nd), Ireland (22nd), Myanmar (22nd), Holy See (21st).

854. The Commission also heard statements by of the following non-governmental organizations: Baha'i International Community (20th), Christian Democrat International (23rd), International Association for the Defence of Religious Liberty (20th), International Federation of Human Rights (20th), International Fellowship of Reconciliation (21st), Pax Christi International (21st), Pax Romana (20th), World Jewish Congress (20th), World Movement of Mothers (23rd).

855. A joint statement was made by the International Organization for the Development of Freedom of Education and the World University Service (23rd).

856. Statements in exercise of the right of reply or its equivalent were made by the representatives of Bangladesh (22nd), India (22nd), Pakistan (22nd), and the Sudan (22nd), and the observer for Viet Nam (22nd).

857. At the 23rd meeting, on 15 February 1994, the Special Rapporteur, Mr. Abdelfattah Amor, made his concluding statement.

858. At the 42nd meeting, on 25 February 1994, the Commission took up consideration of the draft resolution submitted under agenda item 20.

859. The observer for Ireland introduced draft resolution E/CN.4/1994/L.26, sponsored by Albania*, Argentina*, Australia, Austria, Belgium*, Bulgaria, Canada, Chile, Costa Rica, Croatia*, the Czech Republic*, Denmark*, Finland, Germany, Hungary, Ireland*, Italy, Latvia*, Liechtenstein*, the Netherlands*, New Zealand*, Norway*, Poland, Portugal*, Romania, the Russian Federation, Sweden*, Switzerland*, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Cyprus*, France, Greece*, Iceland*, Luxembourg*, Malta*, the Philippines*, Slovakia*, Spain*, Tunisia and the United States of America subsequently joined the sponsors.

860. The observer for Ireland orally revised the draft resolution by changing the word "contributions", in operative paragraph 20, to the singular.

861. The representative of Malaysia proposed that the draft resolution be amended as follows:

(a) In the first preambular paragraph and in operative paragraph 3, the word "all" should be inserted before "human rights";

(b) In operative paragraph 13, the words "and to recommend appropriate remedial measures, including the provision of advisory services by the Centre for human Rights" should be deleted.

862. The representative of the Syrian Arab Republic proposed that the draft resolution be amended by deleting in the twelfth preambular paragraph and in operative paragraph 11 the words "of persons" after the word "groups".

863. The representative of India proposed that the draft resolution be amended by deleting in operative paragraph 13 the words "including the provision of advisory services by the Centre for Human Rights".

864. The representatives of China, Malaysia, Nigeria, the Russian Federation and the Syrian Arab Republic and the observer for Ireland made statements in connection with the draft resolution and the proposed amendments.

865. Under rule 50 of the rules of procedure of the functional commissions of the Economic and Social Council, the representative of the United States of America moved that the debate should be closed and a decision taken on the draft resolution.

866. Under rule 48 of the rules of procedure of the functional commissions of the Economic and Social Council, the representative of China moved that the meeting should be suspended. In accordance with rule 51 of the same rules of procedure, the motion was put to the vote and adopted by 28 votes to 16, with no abstentions.

867. At the same meeting, the Commission resumed the consideration of draft resolution E/CN.4/1994/L.26.

868. The observer for Ireland orally revised the draft resolution further as follows:

(a) In the first preambular paragraph and in operative paragraph 3, the word "all" was inserted before "human rights";

(b) In the twelfth preambular paragraph and in operative paragraph 11, the words "of persons" after the word "groups" were deleted;

(c) In operative paragraph 13, after the words "remedial measures", the words "including the provision of advisory services by the Centre for Human Rights" were deleted;

(d) A new paragraph 17 was inserted after operative paragraph 16 and the remaining paragraphs renumbered accordingly. The new paragraph read:

> "Encourages the Special Rapporteur to consider whether the programme of advisory services in the field of human rights might be of assistance in certain situations, at the request of States, and to make appropriate recommendations in this regard";.

869. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

870. The draft resolution, as orally revised, was adopted without a vote.

871. For the text as adopted, see chapter II, section A, resolution 1994/18.

XXI. DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

872. The Commission considered agenda item 21 at its 63rd and 67th meetings, on 8 and 10 March 1994. 1/

873. The Commission had before it the report of the working group on its ninth session (E/CN.4/1994/81).

874. At the 67th meeting, on 10 March 1994, the Chairman-Rapporteur of the working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, Mr. Jan Helgesen, introduced the working group's report (E/CN.4/1994/81) to the Commission.

875. In the general debate on agend item 21, statements 3/ were made by the following members of the Commission: Chile (67th), Poland (63rd), United States of America (67th).

876. At the 67th meeting, on 10 March 1994, the Commission heard a statement by the observer for Norway (on behalf of Denmark, Finland, Iceland, Norway and Sweden).

877. At the same meeting, the Commission also heard a statement by the International Association of Educators for World Peace.

878. At the 63rd meeting, on 8 March 1994, a joint statement was made by the International Federation of Human Rights on behalf of the following non-governmental organizations: Amnesty International, Baha'i International Community, Human Rights Watch, International Commission of Jurists, International Federation of Human Rights Leagues, International Human Rights Law Group, International Service for Human Rights, Lawyers' Committee for Human Rights.

879. At the 67th meeting, on 10 March 1994, the representative of China made a statement in exercise of the right of reply.

880. At the same meeting, the observer for Norway introduced draft resolution E/CN.4/1994/L.89, sponsored by Australia, Austria, Canada, Chile, Costa Rica, the Czech Republic*, Denmark*, Finland, Germany, Iceland*, the Netherlands, Nicaragua*, Norway*, the Philippines*, Poland, Portugal*, Romania, the Russian Federation, Senegal*, Sweden*, Switzerland*, the Syrian Arab Republic, Turkey* and the United Kingdom of Great Britain and Northern Ireland. Belgium*, Cameroon, Greece*, Nigeria, Slovakia*, Tunisia, Ukraine* and the United States of America subsequently joined the sponsors.

881. The representative of the Sudan and the observer for Norway made statements in connection with the draft resolution.

882. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

883. The representative of Cuba made a statement explaining his delegation's position.

884. The draft resolution was adopted without a vote.

885. For the text as adopted, see chapter II, section A, resolution 1994/96.

XXII. RIGHTS OF THE CHILD, INCLUDING: (a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD; (b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN; (c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR; (d) PROGRAMME OF ACTION FOR THE PREVENTION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

886. The Commission considered agenda item 22 at its 53rd meeting, on 3 March, at its 62nd and 63rd meetings, on 8 March, and at its 66th meeting, on 9 March 1994. 1/

887. The Commission had before it the following documents:

Note by the secretariat on the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography (E/CN.4/1994/82);

Report of the Secretary-General on the rights of the child, including the status of the Convention on the Rights of the Child (E/CN.4/1994/83);

Report by Mr. Vitit Muntarbhorn, Special Rapporteur, on the sale of children, child prostitution and child pornography, submitted in accordance with Commission on Human Rights resolution 1993/82 (E/CN.4/1994/84);

Report by Mr. Vitit Muntarbhorn, Special Rapporteur, on the sale of children, child prostitution and child pornography, submitted in accordance with Commission on Human Rights resolution 1993/82: Visit by the Special Rapporteur to Nepal (E/CN.4/1994/84/Add.1);

Note by the secretariat on the rights of the child (E/CN.4/1994/91);

Note by the secretariat on the rights of the child (E/CN.4/1994/95);

Letter dated 10 February 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the fiftieth session of the Commission on Human Rights (E/CN.4/1994/114);

Written statement submitted by the Friends World Committee for Consultation, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/1);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/17);

Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster (E/CN.4/1994/NGO/53);

Written statement submitted by International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/55).

888. At the 53rd meeting, on 3 March 1994, the Special Rapporteur on the sale of children, child prostitution and child pornography, Mr. Vitit Muntarbhorn, introduced his report (E/CN.4/1993/84 and Add.1) to the Commission.

889. In the general debate on agenda item 22, statements 3/ were made by the following members of the Commission: Angola (62nd), Australia (62nd), Austria (62nd), Brazil (62nd), Chile (62nd), China (62nd), Cuba (63rd), Ecuador (62nd), Indonesia (62nd), Iran (Islamic Republic of) (63rd), Kenya (62nd), Libyan Arab Jamahiriya (62nd), Malaysia (62nd), Mexico (62nd), Poland (62nd), Romania (62nd), Syrian Arab Republic (62nd), United States of America (62nd).

890. The Commission also heard statements by the observers for: Egypt (63rd), Greece (on behalf of the European Union) (63rd), Iraq (63rd), Morocco (63rd), the Philippines (63rd), Senegal (63rd), Spain (63rd), Sweden (on behalf of Denmark, Finland, Iceland, Norway, and Sweden) (63rd).

891. At the 62nd meeting, on 8 March 1994, a statement was made by the representative of the United Nations Children's Fund.

892. At its 63rd meeting, on 8 March 1994, the Commission heard statements by the following non-governmental organizations: Commission for the Defence of Human Rights in Central America, Friends World Committee for Consultation, International Association for the Defence of Religious Liberty, International Association of Educators for World Peace, International Confederation of Free Trade Unions, International Educational Development Inc., International Federation Terre des Hommes, International Lesbian and Gay Association, Latin American Federation of Associations of Relatives of Disappeared Detainees, Service, Justice and Peace in Latin America, World Organization against Torture.

893. At the same meeting, a joint statement was made by the World Federation of Methodist Women on behalf of: American Association of Retired Persons, Associated Country Women of the World, Baha'i International Community, Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, International Abolitionist Federation, International Association of Democratic Lawyers, International Council of Jewish Women, International Council on Social Welfare, International Federation of Social Workers, International Federation of University Women, International Movement for Fraternal Union among Races and Peoples, Medical Women's International Association, National Council of German Women's Organizations, Soroptimist International, World Association of Girl Guides and Girl Scouts, World Federation of Methodist Women, World Union of Catholic Women's Organizations, World Vision International, World Young Women's Christian Association.

894. At the same meeting, a joint statement was made by the International Catholic Child Bureau on behalf of: Anti-Slavery Society for the Protection of Human Rights, Defense for Children International Movement, International Abolitionist Federation, International Federation of Social Workers, International Federation of Women in Legal Careers, World Federation of Methodist Women, World Union of Catholic Women's Organizations and World Vision International.

895. At the 63rd meeting, on 8 March 1994, statements in exercise of the right of reply were made by the representatives of Brazil and Costa Rica.

896. At the 66th meeting, on 9 March 1994, the Commission took up consideration of the draft resolutions and decisions submitted under agenda item 22.

897. At the same meeting, the representative of Cuba introduced draft resolution E/CN.4/1994/L.23, sponsored by Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Mexico, Peru, Uruguay and Venezuela. Angola*, Australia, Barbados*, Cameroon, China, France, the Gambia*, Guinea-Bissau, India, the Islamic Republic of Iran, Lesotho, the Libyan Arab Jamahiriya, Malawi, Mauritania, Nigeria, the Philippines*, the Syrian Arab Republic and Togo subsequently joined the sponsors.

898. The representative of Cuba orally revised the draft resolution as follows:

(a) In the first preambular paragraph, the words "calls for" were replaced by the word "requires";

(b) In the fifth preambular paragraph, the words "can play" were replaced by the word "plays";

(c) In the eighth preambular paragraph, the word "prostitution" was replaced by the words "sale and child prostitution";

(d) In the ninth preambular paragraph, the words "_Alarmed_ by" were replaced by the words "_Taking into account_";

(e) The eleventh preambular paragraph, reading: "_Bearing in mind_ that one of the main difficulties encountered by the Special Rapporteur has been the lack of cooperation and information on these issues", was replaced by a new paragraph;

(f) In the thirteenth preambular paragraph, the words "in particular poverty, hunger, natural disasters, xenophobia" were replaced by the words "poverty, unemployment, hunger, natural disasters, intolerance";

(g) A new seventeenth preambular paragraph was added;

(h) A new eighteenth preambular paragraph was added;

(i) A new operative paragraph 5 was added and the following paragraphs were renumbered;

(j) The old operative paragraph 8, reading: "_Urges_ Governments and national and international organizations to promote wide dissemination of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography" was replaced by a new operative paragraph 9;

(k) The old operative paragraph 10 was deleted;

(l) In operative paragraph 11, the words "of a legal framework aimed at effectively protecting the rights of the child" were replaced by the words "of the Convention on the Rights of the Child";

(m) In operative paragraph 13, the words "and to this effect invites him to participate in the next sessions of those bodies" were replaced by the words "and the International Criminal Police Organization, and to this effect invites him to participate in the next session of the Committee on the Rights of the Child and of the Working Group on Contemporary Forms of Slavery";

(n) The old operative paragraph 15 reading: "Urges all Governments to cooperate with the Special Rapporteur and to assist him by furnishing all information he requires and allowing him to visit their territories when he so requests;" was deleted and the following paragraph was renumbered;

(o) The old operative paragraph 17 reading: "Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the resources and staff required to allow him to submit sufficiently in advance his interim report to the General Assembly at its forty-ninth session and his report to the Commission on Human Rights at its fifty-first session, bearing in mind the recommendations of the Special Rapporteur in his report (E/CN.4/1994/84);" was deleted and the following paragraph was renumbered;

(p) In the old operative paragraph 19, now paragraph 17, the words "guidelines for a possible draft Convention on the sale of children, child prostitution and child pornography, as well as the basic measures needed to prevent and eradicate these serious problems" were replaced by the words "and the Committee on the Rights of the Child, guidelines for a possible draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication";

(q) A new operative paragraph 18 was added;

(r) A new operative paragraph 19 was added and the following paragraphs were renumbered;

(s) In the old operative paragraph 23, now paragraph 22, after the words "sub-item entitled" the words "Question of a draft convention on all issues related to the sale of children, child prostitution and child pornography, as well as the basic measures needed to prevent and eradicate these serious problems" were replaced;

(t) A new operative paragraph 23 replaced the former paragraph 24, which read:

"Recommends the following draft resolution to the Economic and Social Council for adoption:

"Question of a draft convention on all issues related to the sale of children, child prostitution and child pornography, as well as the basic measures needed to prevent and eradicate these serious problems

"The Economic and Social Council,

"Recalling Commission on Human Rights resolution 1994/... of ... 1994,

"1. Authorizes the establishment of an open-ended intersessional Working Group responsible for elaborating, as a matter of priority and in close cooperation with the Special Rapporteur, guidelines for a possible convention on the sale of children, child prostitution and child pornography, as well as the basic measures needed to prevent and eradicate these serious problems, that will meet for two weeks prior to the fifty-first session of the Commission on Human Rights;

"2. Requests the Secretary-General to provide the Working Group with all the services it requires to be able to meet prior to the fifty-first session of the Commission on Human Rights".

899. The representative of Germany proposed the following amendments to draft resolution E/CN.4/1994/L.23 as orally revised:

(a) Operative paragraph 17 should be replaced by a new paragraph reading as follows: "Decides to request the Committee on the Rights of the Child and the Special Rapporteur to study the need for a possible draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography as well as the basic measures needed for its prevention and eradication, and to make their conclusions available";

(b) Operative paragraph 18 should be replaced by a new paragraph reading as follows: "Requests the Secretary-General to invite Governments, intergovernmental organizations and non-governmental organizations to submit comments thereon";

(c) Operative paragraphs 19, 20, 21, 22 and 23 should be deleted;

(d) A new operative paragraph 19, should be added, reading as follows: "Decides to remain seized of this matter and to consider it at its fifty-first session."

900. The representatives of Australia, Chile, Cuba, Finland, France, Guinea-Bissau, Mexico, the Netherlands, Nigeria, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay made statements in connection with the draft resolution, as orally revised, and the proposed amendments.

901. The representative of Germany withdrew the amendments he had proposed.

902. The representative of the United States of America asked for a vote on the draft resolution.

903. The representatives of Canada, Costa Rica, Cuba and Kenya made statements in connection with the request by the United States of America.

904. The Commission decided to postpone consideration of the draft resolution.

905. At the same meeting, the Commission resumed consideration of the draft resolution.

906. The representatives of China, Mexico and the United States of America made statements in connection with the revisions made by Cuba.

907. The representative of Cuba stated that, if a vote was to be taken, it should be taken by roll-call.

908. Under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, the representative of Canada moved the adjournment of the debate on the draft resolution.

909. The representatives of China, Cuba, the United Kingdom of Great Britain and Northern Ireland and the United States of America made statements in connection with the motion by Canada.

910. The motion calling for the adjournment of the debate on the draft resolution was rejected by 33 votes to 17, with 1 abstention.

911. The representative of the United States of America stated that his delegation would not participate in the vote on the draft resolution.

912. The representative of Indonesia made a statement explaining his delegation's position.

913. The draft resolution was adopted without a vote.

914. The representatives of Germany, Japan and the Netherlands made statements explaining their delegations' positions.

915. For the text as adopted, see chapter II, section A, resolution 1994/90.

916. At the same meeting, the observer for Sweden introduced draft resolution E/CN.4/1994/L.55, sponsored by Cameroon, the Czech Republic*, Denmark*, Finland, the Gambia*, Greece*, Iceland*, Latvia*, Luxembourg*, the Netherlands, Norway*, Poland, Portugal*, Senegal*, Slovakia*, Slovenia* and Sweden*. Angola, Australia, Austria, Barbados, Belgium*, Bulgaria, Colombia, Costa Rica, Cuba, Cyprus, Ecuador, Ethiopia*, Germany, Guinea-Bissau, Hungary, Italy, Kenya, the Libyan Arab Jamahiriya, Madagascar*, Malawi, Mexico, Nigeria, Peru, the Republic of Korea, Romania, the Russian Federation, Spain*, Swaziland*, Switzerland*, Togo, Uruguay, Venezuela, Viet Nam* and Zimbabwe* subsequently joined the sponsors.

917. The observer for Sweden orally revised the draft resolution as follows:

(a) In the sixth preambular paragraph, the word "parties" was inserted after the word "States";

(b) In the twelfth preambular paragraph, the words "the reservations" were replaced by the words "those reservations" and the words "international law" by the words "international treaty law";

(c) In operative paragraph 16, the word "preliminary" was inserted before the words "draft optional protocol";

(d) A new operative paragraph 26 was added.

918. The representative of Costa Rica made a statement in connection with the draft resolution.

919. The draft resolution, as orally revised, was adopted without a vote.

920. For the text as adopted, see chapter II, section A, resolution 1994/91.

921. At the same meeting, the observer for Portugal introduced draft resolution E/CN.4/1994/L.88, sponsored by Angola, Austria, Belgium*, Bulgaria, Cameroon, Chile, Costa Rica, the Czech Republic*, the Democratic People's Republic of Korea*, Denmark*, Finland, France, Greece*, Ireland*, Italy, Liechtenstein*, Norway*, the Philippines*, Poland, Portugal, the Republic of Korea, the Russian Federation, Senegal*, Spain*, Sweden*, Switzerland*, Turkey* and the United Kingdom of Great Britain and Northern Ireland. Australia, Brazil, Canada, Cuba, Cyprus, Ecuador, the Gambia*, Germany, Guinea-Bissau, Haiti*, Iceland*, the Islamic Republic of Iran, the Libyan Arab Jamahiriya, Luxembourg*, the Netherlands, Peru, Romania, Togo, Uruguay and Venezuela subsequently joined the sponsors.

922. The observer for Portugal orally revised the draft resolution as follows:

(a) The twelfth preambular paragraph was deleted;

(b) Operative paragraph 17 which read "Encourages States to consider raising the age of recruitment to 18 and to prohibit the use of child soldiers;" was deleted;

(c) In operative paragraph 24, the words "a provisional report to the General Assembly at its forty-ninth session and" were inserted after the words "to submit".

923. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

924. The draft resolution, as orally revised, was adopted without a vote.

925. For the text as adopted, see chapter II, section A, resolution 1994/92.

926. At the same meeting, the observer for Greece, on behalf of the European Union, introduced draft resolution E/CN.4/1994/L.92, sponsored by Austria, Canada, Denmark*, Finland, France, Germany, Greece*, Ireland*, Italy, the Netherlands, Norway*, Spain*, Sweden* and the United Kingdom of Great Britain and Northern Ireland. Angola, Australia, Belgium*, Brazil, Cameroon, Colombia, Costa Rica, Cuba, the Gambia*, Guinea-Bissau, Haiti*, Iceland*, the Libyan Arab Jamahiriya, Lithuania*, Luxembourg*, Malawi, Mexico, New Zealand*, the Philippines*, Portugal*, Switzerland*, Turkey*, Uruguay and Venezuela subsequently joined the sponsors.

927. The draft resolution was adopted without a vote.

928. For the text as adopted, see chapter II, section A, resolution 1994/93.

929. At the same meeting, the representative of France introduced draft resolution E/CN.4/1994/L.98, sponsored by Austria, Costa Rica, Côte d'Ivoire, France, Germany, Jordan*, Kuwait*, Madagascar*, Senegal* and Spain*. Angola, Australia, Belgium*, Cameroon, Ecuador, the Gambia*, Guinea-Bissau, Ireland*, the Libyan Arab Jamahiriya, Lithuania*, Mauritania, Peru, Sweden* and Uruguay subsequently joined the sponsors.

930. The draft resolution was adopted without a vote.

931. For the text as adopted, see chapter II, section A, resolution 1994/94.

XXIII. FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

932. The Commission considered agenda item 23 at its 63rd and 66th meetings, on 8 and 9 March 1994. 1/

933. The Commission had before it the following documents:

Vienna Declaration and Programme of Action (A/CONF.157/23);

Report of the World Conference on Human Rights (A/CONF.157/24) (Part I);

Note verbale dated 11 March 1994 from the Permanent Mission of Japan to the Office of the United Nations and the other international organizations at Geneva addressed to the Centre for Human Rights (E/CN.4/1994/129).

934. At its 63rd meeting, on 8 March 1994, in the general debate on agenda item 23, statements were made by the following members of the Commission: Australia, Brazil, Chile, China.

935. At the same meeting, the Commission heard statements by the following non-governmental organizations: International Association for the Defence of Religious Liberty, International Lesbian and Gay Association.

936. On 4 March 1994, a draft resolution (E/CN.4/1994/L.94) was submitted by Albania*, Argentina*, Armenia*, Australia, Austria, Belgium*, Belize*, Brazil, Bulgaria, Canada, Croatia*, the Czech Republic*, Ecuador, France, Germany, Hungary, Ireland*, Italy, Jordan*, Liechtenstein*, Madagascar*, Mauritius, Mongolia*, the Netherlands, Norway*, Pakistan, Peru, Poland, the Republic of Korea, Romania, the Russian Federation, Senegal*, Slovakia*, Swaziland*, Sweden* and Ukraine*. The draft resolution read as follows:

"World Conference on Human Rights

"The Commission on Human Rights,

"Recalling General Assembly resolution 48/121 of 20 December 1993 entitled "World Conference on Human Rights", in which the Assembly endorsed the Vienna Declaration and Programme of Action adopted on 25 June 1993 by the World Conference on Human Rights,

"Recalling also the view of the World Conference that the promotion and protection of human rights is a matter of priority for the international community,

"Convinced that the World Conference, by the adoption of the Vienna Declaration and Programme of Action, made an important contribution to the promotion and protection of human rights,

"Convinced also that all results of the World Conference have to be fully implemented and translated into concrete action, "Recognizing the contribution of non-governmental organizations in this respect,

"Bearing in mind the recommendation of the World Conference that the Commission on Human Rights, the General Assembly and other organs and agencies of the United Nations system related to human rights consider ways and means for the full implementation, without delay, of all recommendations contained in the Vienna Declaration and Programme of Action,

"Bearing in mind also the recommendation of the World Conference that the Commission should review annually progress towards this end,

"1. Appreciates the important contribution of the World Conference on Human Rights, convened at Vienna from 15 to 26 June 1993, to the universal promotion and protection of human rights;

"2. Welcomes the reaffirmation by the World Conference of the importance of the promotion of universal respect for, and observance and protection of, all human rights and fundamental freedoms in accordance with the purposes and principles of the Charter of the United Nations;

"3. Reaffirms the views of the World Conference on the urgency of eliminating denials and violations of human rights;

"4. Recognizes the importance of continued dialogue and cooperation between Governments and non-governmental organizations and the role the Commission has to play in continuing to provide a forum for such dialogue;

"5. Calls upon all special representatives, special rapporteurs, independent experts and thematic working groups of the Commission on Human Rights to take fully into account the recommendations contained in the Vienna Declaration and Programme of Action within their respective mandates;

"6. Requests all special representatives, special rapporteurs, independent experts and thematic working groups of the Commission to include in their reports, where appropriate, a section on the implementation of the recommendations contained in the Vienna Declaration and Programme of Action;

"7. Requests the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to take fully into account the recommendations contained in the Vienna Declaration and Programme of Action within its mandate and to include in its report the measures undertaken within its mandate to implement these recommendations;

"8. Decides to review annually the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action, taking into account inter alia, work undertaken in this respect by the General Assembly and its subsidiary bodies;

> "9. Requests the High Commissioner for Human Rights to report annually to the Commission on the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action;
>
> "10. Decides to consider this question at its fifty-first session under the appropriate agenda item."

937. At the 66th meeting, on 9 March 1994, Austria introduced revised draft resolution E/CN.4/1994/L.94/Rev.1, sponsored by the same States as draft resolution E/CN.4/1994/L.94, and also by Barbados*, Cyprus, Greece*, Israel*, Mauritania, New Zealand*, Spain*, Switzerland* and Tunisia. Algeria*, Angola, Cameroon, Chile, Costa Rica, Côte d'Ivoire, Denmark*, El Salvador, the Gambia*, Haiti*, Japan, the Libyan Arab Jamahiriya, Morocco*, Slovenia*, the United States of America, Uruguay and Venezuela subsequently joined the sponsors.

938. The draft resolution was adopted without a vote.

939. For the text as adopted, see chapter II, section A, resolution 1994/95.

XXIV. ELECTION OF MEMBERS OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

940. The Commission considered agenda item 24 at its 59th meeting, on 7 March 1994. 1/

941. The Commission had before it a note by the Secretary-General containing nominations of candidates for election to membership of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and biographical data on the candidates (E/CN.4/1994/85 and Add.1-4).

942. In accordance with Economic and Social Council resolutions 1334 (XLIV) of 31 May 1968 and 1986/35 of 23 May 1986 and decisions 1978/21 of 5 May 1978 and 1987/102 of 6 February 1987, the Commission, at its forty-fourth session (39th meeting, held on 29 February 1988), elected by secret ballot 26 members of the Sub-Commission from nominations of experts made by States Members of the United Nations on the following basis: (a) seven members from African States; (b) five members from Asian States; (c) three members from Eastern European States; (d) five members from Latin American States; (e) six members from Western European and other States.

943. Pursuant to Economic and Social Council resolution 1986/35, members of the Sub-Commission are elected for a term of four years, and half of the membership and the corresponding alternates, if any, are elected every two years.

944. As the term of office of half of the membership of the Sub-Commission had expired, the Commission was called upon to hold a new election of Sub-Commission members and alternates on the following basis: three members from African States; three members from Asian States; one member from Eastern European States; three members from Latin American States; and three members from Western European and other States.

945. The Commission elected by secret ballot 13 members of the Sub-Commission, and their corresponding alternates, if any, for a period of four years. The following candidates were elected:

African States

Mrs. Lucy Gwanmesia	Cameroon
Mr. Pierre Sob a/	
Ms. Judith Sefi Attah	Nigeria
Mrs. Christy Ezim Mbonu a/	
Mr. El-Hadji Guissé	Senegal
Mr. Ndary Toure a/	

Asian States

Mr. Fan Guoxiang	China
Mr. Zhong Shukong a/	

Mr. Mohammed Sardar Ali Khan	India
Mr. Osman El-Hajje	Lebanon

Eastern European States

Mr. Stanislav Chernichenko	Russian Federation
Mr. Teimuraz Ramishvili a/	

Latin American States

Mr. José Augusto Lindgren Alves	Brazil
Mrs. Marília Sardenberg Zelner Gonçalves a/	
Mr. José Bengoa	Chile
Mr. Mario Ibarra a/	
Mr. Miguel Limón Rojas	Mexico
Mr. Héctor Fix Zamudio a/	

Western European and other States

Mr. Louis Joinet	France
Mr. Emmanuel Decaux a/	
Mrs. Erica-Irene Daes	Greece
Mrs. Kalliopi Koufa a/	
Ms. Claire Palley	United Kingdom of Great Britain and Northern Ireland
Mr. John Merrills a/	

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a/ Alternate.

XXV. DRAFT PROVISIONAL AGENDA FOR THE FIFTY-FIRST SESSION OF THE COMMISSION

946. The Commission considered agenda item 25 at its 69th meeting, on 11 March 1994. 1/

947. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII), the Commission had before it a note by the Secretary-General (E/CN.4/1994/L.1) containing a draft provisional agenda for the fifty-first session of the Commission and indicating the documents to be submitted under each item and the legislative authority for their consideration.

948. The Commission took note of the draft provisional agenda.

949. The draft provisional agenda for the fifty-first session of the Commission reads as follows:

1. Election of officers.

2. Adoption of the agenda.

3. Organization of the work of the session.

   Legislative authority: relevant resolutions and decisions of the General Assembly, the Economic and Social Council and the Commission. Commission resolutions 1994/58, 1994/78, Commission decision 1994/111.

   Documentation:

   (a) Report of the independent expert on the situation of human rights in Guatemala (paras. 21 and 22 of resolution 1994/58), to be considered under the item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories" or the item "Advisory services in the field of human rights".

   (b) Report of the Secretary-General on the situation of human rights in Togo (para. 9 (b) of resolution 1994/78) to be considered under the relevant agenda item in the light of the requested report of the Secretary-General.

   (c) Report of the chairman of the informal working group on the organization of work of the session (Commission decision 1994/111).

4. Question of the violation of human rights in the occupied Arab territories, including Palestine.

   Legislative authority: Commission resolutions 1994/2 and 12994/3 A and B.

Documentation:

(a) Report of the Special Rapporteur (para. 4 of resolution 1993/2 A);

(b) Reports of the Secretary-General (para. 6 of resolution 1994/2, para. 5 of resolution 1994/3 A and para. 5 of resolution 1994/3 B);

(c) List of United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation (para. 6 of resolution 1994/3 A).

5. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts.

Legislative authority: Commission resolution 1994/10.

Documentation:

Final report of the Ad Hoc Working Group of Experts (para. 29).

6. Monitoring and assisting the transition to democracy in South Africa.

Legislative authority: Commission resolution 1994/8.

Documentation:

Report of the Special Rapporteur (paras. 7 and 10).

7. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development.

Legislative authority: Commission resolutions 1994/11, 1994/12, 1994/20 and 1994/65.

Documentation:

Report of the Secretary-General (para. 6 of resolution 1994/11).

8. Question of the realization of the right to development.

Legislative authority: Commission resolution 1994/21.

Documentation:

(a) Report of the Working Group on the Right to Development (para. 16).

(b) Report of the Secretary-General (para. 17).

9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

Legislative authority: Commission resolutions 1994/5, 1994/6 and 1994/7.

Documentation:

(a) Report of the Secretary-General (para. 3 of resolution 1994/5);

(b) Report of the Special Rapporteur on mercenaries (para. 5 of resolution 1994/7).

10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(a) Torture and other cruel, inhuman or degrading treatment or punishment;

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) Question of enforced or involuntary disappearances;

(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Legislative authority: Commission resolutions 1994/30, 1994/32, 1994/33, 1994/34, 1994/35, 1994/36, 1994/37, 1994/38, 1994/39, 1994/40, 1994/41, 1994/42 and 1994/43.

Documentation:

(a) Report of the Secretary-General (para. 12 of resolution 1994/30);

(b) Report of the Working Group on Arbitrary Detention (para. 19 of resolution 1994/32);

(c) Report of the Special Rapporteur on the right to freedom of opinion and expression (para. 16 of resolution 1994/33).

(d) Report of the Secretary-General on the operations of the United Nations Voluntary Fund for Victims of Torture (para. 6 of resolution 1994/36);

(e) Report of the Special Rapporteur on the question of torture (para. 20 of resolution 1994/37);

(f) Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (para. 9 of resolution 1994/8);

(g) Report of the Working Group on Enforced or Involuntary Disappearances (para. 24 of resolution 1994/39);

(h) Report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (para. 2 of resolution 1994/40);

(i) Report of the Special Rapporteur on the independence and impartiality of the judiciary (para. 5 of resolution 1994/41);

(j) Updated report of the Secretary-General on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, and on the implementation of resolution 1994/42 (para. 10);

(k) Annual report of the Special Rapporteur on human rights and states of emergency (draft decision 12 recommended to the Economic and Social Council for adoption (resolution 1994/43));

11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

(b) National institutions for the promotion and protection of human rights

(c) Coordination role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights;

(d) Human rights, mass exoduses and displaced persons.

Legislative authority: Commission resolutions 1993/51, 1994/45, 1994/46, 1994/47, 1994/48, 1994/49, 1994/50, 1994/51, 1994/52, 1994/53, 1994/54, 1994/55, 1994/56, 1994/66, 1994/68 and 1994/97.

Documentation:

(a) Report of the Secretary-General on the state of regional human rights arrangements (para. 15 of resolution 1993/51);

(b) Report of the Special Rapporteur on violence against women (para. 6 of resolution 1994/45);

(c) Report of the Secretary-General on unilateral coercive measures (para. 6 of resolution 1994/47);

(d) Report of the Secretary-General on regional arrangements in the Asian and Pacific region (para. 15 of resolution 1994/48);

(e) Report of the Secretary-General on human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) (para. 11 of resolution 1994/49);

(f) Report of the Secretary-General on public information activities (para. 12 of resolution 1994/52);

(g) Note by the Secretary-General on human rights and thematic procedures (para. 13 of resolution 1994/53);

(h) Report of the Secretary-General on national institutions for the promotion and protection of human rights (para. 11 of resolution 1994/54);

(i) Report of the Secretary-General on human rights and mass exoduses (para. 15 of resolution 1994/66);

(j) Annual report of the representative of the Secretary-General on internally displaced persons (para. 15 of resolution 1994/68);

12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus;

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990.

Legislative authority: Commission resolutions 1994/70, 1994/71, 1994/72, 1994/73, 1994/74, 1994/75, 1994/77, 1994/78, 1994/79, 1994/80, 1994/81, 1994/82, 1994/83, 1994/84, 1994/85, 1994/86, 1994/87, 1994/88 and 1994/89 and decision 1994/110.

Documentation:

(a) Report of the Secretary-General on reprisals against those cooperating with representatives of United Nations human rights bodies (para. 6 of resolution 1994/70);

(b) Report of the Special Rapporteur on the situation of human rights in Cuba (para. 11 of resolution 1994/71);

(c) Reports of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (para. 37 of resolution 1994/72);

(d) Report of the Special Representative on the situation of human rights in the Islamic Republic of Iran (para. 13 of resolution 1994/73);

(e) Reports of the Special Rapporteur on the situation of human rights in Iraq (para. 14 of resolution 1994/74);

(f) Report of the Secretary-General on the situation of human rights in Bosnia and Herzegovina (para. 11 of resolution 1994/75);

(g) Report of the Special Rapporteur on the situation of human rights in the Sudan (para. 16 of resolution 1994/79);

(h) Final report of the Special Rapporteur on the situation of human rights in Haiti (para. 13 of resolution 1994/80);

(i) Report of the Special Rapporteur on summary or arbitrary executions (para. 5 of resolution 1994/82);

(j) Report of the Secretary-General on the situation of human rights in southern Lebanon (para. 6 (b) of resolution 1994/83);

(k) Report of the Special Rapporteur on the situation of human rights in Afghanistan (para. 23 of resolution 1994/84);

(l) Report of the Special Rapporteur on the situation of human rights in Myanmar (para. 20 of resolution 1994/85);

(m) Report of the Secretary-General on the situation of human rights in Burundi (para. 9 of resolution 1994/86);

(n) Report of the Special Rapporteur on the situation of human rights in Zaire (para. 9 of resolution 1994/87);

(o) Report of the Special Rapporteur on the situation of human rights in Equatorial Guinea (para. 13 of resolution 1994/89);

(p) Report of the Secretary-General on the question of human rights in Cyprus (decision 1994/110);

(q) Report of the Secretary-General on East Timor (statement agreed on by consensus by the Commission, made by the Chairman on 9 March 1994).

13. Measures to improve the situation and ensure the human rights and dignity of all migrant workers.

Legislative authority: Commission resolution 1994/17.

Documentation:

Report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (para. 6).

14. Human rights and scientific and technological developments

Legislative authority: Commission resolutions 1993/90, 1993/91 and decision 1993/113.

Documentation:

(a) Report of the Secretary-General on human rights and bioethics (para. 4 of resolution 1993/91);

(b) Report of the Secretary-General on the follow-up to the guidelines for the regulation of computerized personal data files (decision 1993/113).

15. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid.

Legislative authority: Commission resolution 1993/10.

Documentation:

Report of the Group of Three

16. Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.

Legislative authority: Commission resolutions 1994/9 and 1994/64.

Documentation:

(a) Analytical report of the Secretary-General (para. 22 of resolution 1994/9);

(b) Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (para. 4 of resolution 1994/64).

17. Status of the International Covenants on Human Rights.

Legislative authority: Commission resolutions 1994/15 and 1994/16.

Documentation:

(a) Report of the Secretary-General (para. 17 of resolution 1994/15);

(b) Report of the Secretary-General (para. 5 of resolution 1994/16).

18. Effective functioning of bodies established pursuant to United Nations human rights instruments.

Legislative authority: Commission resolutions 1994/19 and 1994/97.

Documentation: Report of the Secretary-General (para. 8 (a) of resolution 1994/19);

19. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-sixth session.

Legislative authority: Commission resolution 1994/23 and decision 1994/103.

Documentation: Report of the Chairman of the Sub-Commission (para. 14 of resolution 1994/23).

20. Rights of persons belonging to national or ethnic, religious and linguistic minorities.

Legislative authority: Commission resolution 1994/22.

Documentation:

Report of the Secretary-General (para. 12).

21. Advisory services in the field of human rights.

Legislative authority: Commission resolutions 1993/87, 1994/57, 1994/58, 1994/59, 1994/60, 1994/61, 1994/62 and 1994/69.

Documentation:

(a) Report of the Secretary-General on the situation of human rights in Albania (para. 3 (b) of resolution 1994/57);

(b) Report of the independent expert on assistance to Somalia in the field of human rights (para. 9 of resolution 1994/60);

(c) Report of the Special Representative on the situation of human rights in Cambodia (para. 14 of resolution 1994/61);

(d) Report of the independent expert on assistance to El Salvador (para. 12 of resolution 1994/62);

(e) Report of the Secretary-General on the progress in the implementation of the programme of advisory services and technical assistance (para. 20 of resolution 1994/69);

(f) Report of the Secretary-General on the final evaluation of the fulfilment of the programme of advisory services to Romania (statement made by the Chairman on 9 March 1994).

22. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Legislative authority: Commission resolution 1994/18.

Documentation:

(a) Report of the Special Rapporteur (para. 23);

(b) Report of the Secretary-General on measures to implement resolution 1994/18 (para. 24).

23. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

Legislative authority: Commission resolution 1994/96.

24. Rights of the child, including:

(a) Status of the Convention on the Rights of the Child;

(b) Report of the Special Rapporteur on the sale of children;

(c) Programme of Action for the Elimination of the Exploitation of Child Labour;

(d) Question of a draft optional protocol to the Convention on the Rights of the Child on sale of children, child prostitution and child pornography as well as the basic measures needed for their prevention and eradication.

Legislative authority: Commission resolutions 1993/79, 1994/90, 1994/91, 1994/92, 1994/93 and 1994/94.

Documentation:

(a) Report of the Sub-Commission on the state of implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour (para. 10 of resolution 1993/79);

(b) Report of the working group (resolution 1994/90);

(c) Report of the working group (resolution 1994/91);

(d) Report of the Secretary-General on the status of the Convention on the Rights of the Child (para. 24 of resolution 1994/91);

(e) Report of the Special Rapporteur on the sale of children (para. 23 of resolution 1994/92);

25. Follow-up to the World Conference on Human Rights

Legislative authority: Commission resolution 1994/95.

Documentation:

Report of the High Commissioner for Human Rights on the follow-up to the World Conference on Human Rights (para. 9 of resolution 1994/95).

26. The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service.

Legislative authority: Commission resolution 1993/84.

Documentation:

Report of the Secretary-General on conscientious objection to military service (para. 10 of resolution 1993/84).

27. Draft provisional agenda for the fifty-second session of the Commission

Legislative authority: Economic and Social Council resolution 1894 (LVII).

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the fifty-second session of the Commission, together with information concerning documentation relating thereto.

28. Report of the Economic and Social Council on the fifty-first session of the Commission.

Legislative authority: rule 38 of the rules of procedure of the functional commissions of the Economic and Social Council.

XXVI. ADOPTION OF THE REPORT

950. At its 69th meeting, on 11 March 1994, the Commission considered the draft report on the work of its fiftieth session. The draft report, as amended in the course of the discussion, was adopted.

Notes

[1] Summary records of each of the meetings are subject to correction. They are considered as final with the issuance of a consolidated corrigendum (E/CN.4/1994/SR.1-69/Corrigendum).

[2] An estimate of the administrative and programme budget implications of Commission resolutions and decisions appears in annex III.

[3] The number in parentheses following the name of a State or organization indicates the meeting at which the statement was made.

كيفية الحصول على منشورات الامم المتحدة

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